



# भारत का राजपत्र The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## जॉटिस

### NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 25 फरवरी, 1967 तक प्रकाशित किये गये :--

The undermentioned Gazettes of India Extraordinary were published up to the 25th February, 1967: —

Issue No.	No. and Date	Issued by	Subject
106	S.O. 687, dated 23rd February, 1967.	Ministry of Law.	Declaration containing the name of the candidate elected to the House of People.
107	S.O. 688, dated 24th February, 1967.	Ministry of Commerce.	Appointing the persons as the Panel of Experts for the purpose of hearing appeals for Organic Chemicals.
108	S.O. 689, dated 25th February, 1967.	Ministry of Labour, Employment & Rehabilitation.	Regarding an industrial dispute between the management of the Reserve Bank of India and their workmen.
109	S.O. 690, dated 25th February, 1967.	Ministry of Home Affairs.	Directions in respect of the Punjab Khadi and Village Industries Board.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## भाग II—खण्ड 3—उपखण्ड (ii)

## PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

## ELECTION COMMISSION, INDIA

New Delhi, the 2nd March 1967

S.O. 771.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Uttar Pradesh hereby nominates Shri Jagmohan Lal Sinha as the Chief Electoral Officer for the State of Uttar Pradesh with effect from the date he takes over charge and until further orders vice Shri Krishan Chander Puri.

[No. 154/13/67.]

S.O. 772.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission in consultation with the Government of West Bengal hereby nominates Shri M. K. Talukdar as the Chief Electoral Officer for the State of West Bengal with effect from the date he takes over charge and until further orders vice Shri S. Dutt Mazumdar.

[No. 154/14/67.]

By Order,

K. S. RAJAGOPALAN, Secy.

## MINISTRY OF HOME AFFAIRS

New Delhi, the 28th February 1967

S.O. 773.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) THIRD Amendment Rules, 1967.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958, for clause (ag), the following clause shall be substituted, namely:—

“(ag) in the case of orders and other instruments relating to the Ministry of Health and Family Planning (Department of Health), by the Director (Administration) or Deputy Director (Administration) in the Directorate General of Health Services (Deptt. of Health)”.

[No. 3/15/66-Pub.I.]

FATEH SINGH, Jt. Secy.

*New Delhi, the 2nd March 1967*

**S.O. 774.**—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri G. P. Motwani, Senior Public Prosecutor at Ahmedabad Branch of the Central Bureau of Investigation, as Public Prosecutor to conduct before Shri Joginder Singh Mandher, Additional Sessions Judge, Delhi, the criminal appeal, arising out of the decision of the Assistant Sessions Judge, Delhi, in Criminal Court case No. 45 of 1961, against Brij Bhushan Lal and 4 others.

[No. 225/10/67-AVD. II.]

## ORDER

*New Delhi, the 1st March 1967*

**S.O. 775.**—In exercise of the powers conferred by sub-section (1) of section 5 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby extends to the State of West Bengal the powers and jurisdiction of members of the Delhi Special Police Establishment for the investigation of any Offences specified in the Schedule hereto annexed.

## THE SCHEDULE

- (i) Offences punishable under section 9 of the Opium Act, 1878 (1 of 1878).
- (ii) Offences punishable under sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 of Dangerous Drugs Act, 1930 (2 of 1930).

[No. 228/1/65-AVD. II.]

N. SRINIVASAN, Under Secy.

## MINISTRY OF MINES AND METALS

### ERRATUM

*New Delhi, the 27th February 1967*

**S.O. 776.**—In the Erratum of the Government of India in the Ministry of Mines and Metals S.O. No. 406, dated the 24th January, 1967, published in Part II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 4th February, 1967 at pages 298 and 299; for "S.O. No. 1957" read "S.O. No. 3407".

[No. C2-20(5)/65.]

RAM SAHAY, Deputy Secy.

## MINISTRY OF COMMERCE

### COFFEE CONTROL

*New Delhi, the 4th March 1967*

**S.O. 777.**—In exercise of the powers conferred by clause (c) of sub-section (2) of section 4 of the Coffee Act, 1942 (7 of 1942) read with clause (a) of sub-rule (2) of rule 3 of the Coffee Rules, 1955, the Central Government hereby appoints the Director of Agriculture to the Government of Mysore, as a member of the Coffee Board to represent the Government of Mysore, for the period ending with the 18th April, 1968, in place of the Secretary to the Government of Mysore, Forest and Agriculture Department, Bangalore, and makes the following further amendment in the notification of the Government of India in the Ministry of

Commerce No. S.O. 1291 dated the 12th April, 1965, published in sub-section (ii) of Section 3 of Part II of the Gazette of India dated the 24th April, 1965, namely:—

In the said notification, for item (1) and the entries relating thereto, the following item and entries shall be substituted, namely:—

“(1) The Director of Agriculture, Government of Mysore, Bangalore, Representative of the Government of Mysore.”.

[No. 1(1) Plant(B)67.]

B. KRISHNAMURTHY, Under Secy.

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 10th February 1967

**S.O. 778.**—Whereas Messrs. Luxmi Plastic Industry, 5/B, Industrial Estate, Narnaul or any bank or any other person have not come forward furnishing sufficient cause, against Notice No. L-9/66/ENF/CLA/2520 dated 21st January, 1967 proposing to cancel licence No. P/SS/1573283/C/XX/25/C/D/24 Special Licence dated 20th August, 1966 for the import of Polyethylene Moulding Powder (High Density) for Rs. 4432/- granted to said M/s. Luxmi Plastic Industry, 5/B, Industrial Estate, Narnaul by the Joint Chief Controller of Imports & Exports (Central Licensing Area), New Delhi, Govt. of India, in the Ministry of Commerce in exercise of the powers conferred by the Clause 9 of the Import (Control) Order, 1955, hereby cancel the said licence No. P/SS/1573283/C/XX/25/C/D Dated 20th August, 1966 issued to M/s. Luxmi Plastic Industry, 5/B, Industrial Estate, Narnaul.

Messrs. Luxmi Plastic Industry,  
5/B, Industrial Estate,  
Narnaul.

[No. L-9/66/ENF/CLA/2717.]

K. RAJARAMAN,  
Joint Chief Controller of Imports & Exports.

**MINISTRY OF IRON AND STEEL**

New Delhi, the 2nd March 1967

**S.O. 779/ESS. COMM/IRON AND STEEL-2(c).**—In exercise of the powers conferred by Sub-Clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India, in the Ministry of Steel, Mines and Heavy Engineering, S.O. No. 1525/ESS. COMM/IRON AND STEEL/2(c), dated the 29th April, 1964, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in the Column 2 thereof under 'Others' the following substitutions shall be made in place of the existing entries at items 57 and 59:—

- For 57. All Deputy Iron and Steel Controllers, Offices of the Iron and Steel Control, Calcutta, Bombay and Madras.
- and 59. All Deputy Assistant Iron and Steel Controller, Offices of Iron and Steel Controller at Calcutta, Bombay and Madras.
- Read 57. All Deputy Iron and Steel Controllers, Offices of the Iron and Steel Controller, Calcutta, Bombay, Madras and Delhi, and
59. All Deputy Assistant Iron and Steel Controllers, Offices of the Iron and Steel Controller at Calcutta, Bombay, Madras and Delhi.

[No. SC(I)-1(14)/67.]

New Delhi, the 3rd March 1967

**S.O. 780. —/ESS. COMM/IRON AND STEEL/15(1)-27(1).—**

*Corrigendum*

In the Notification of the Government of India in the Ministry of Iron and Steel No. S. O. 652/ESS. COMM/IRON AND STEEL/15(1)-27(1) dated the 16th February, 1957 published in Part II Section 3 (ii) of the Gazette of India Extraordinary dated the 16th February, 1967 in (B) Section No. V (Part I-A Fresh Unused Defectives) please delete the following :

3. Hot Rolled Strips or B.P. Sheets in Coils-defective or rejected below 5 mm to 3.50 mm base	821	861	876
4. Cold Rolled Strips in coils defective or rejected below 5mm to 2.00 mm base	1018	1058	1073

[No. SC(C)-2(45)/66]

A. N. RAJAGOPALAN, Under Secy.

**ORDER**

New Delhi, the 11th March 1967

**S.O. 781.—**In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Iron and Steel (Control) Order, 1956, namely :—

1. This Order may be called the Iron and Steel Control (Amendment) Order, 1967.
2. In the Iron and Steel Control Order, 1956,—
  - (1) for the words 'Schedule', wherever they occur, the words 'First Schedule' shall be substituted.
  - (2) after Part IV—"General", the following Part shall be inserted, namely:—

**"PART V—Ferro-Alloys**

**30. Application of this Part.—**The provisions of this Part shall apply to ferro-alloys.

**31. Definitions.—**In this Part, unless the context otherwise requires,—

- (a) "Controller" means the Iron and Steel Controller, Calcutta or an officer authorised by him to perform the duties assigned by this Part to the Controller;
- (b) "ferro-alloy" means any of the substances specified in the Second Schedule to this Order;
- (c) "producer" means a person carrying on the business of manufacturing ferro-alloys;
- (d) "stockholder" means any person who owns or has in his possession or under his control any quantity of any ferro-alloys.

**32. Power to direct sale.—**The Controller may, by written order, require any person holding stock of ferro-alloys to sell the whole or any part of the stock to such person or class of persons and in such circumstances as may be specified in the order.

**33. Power to prohibit removal.—**The Controller may order any producer, stock holder or any other person not to remove or permit the removal of any ferro-alloy whether sold or unsold, from his stock yard or from any other part of his premises to any place outside such stock yard or premises except with the written permission of the Controller.

**34. Fixation of maximum prices.**—The Controller may with the approval of the Central Government, by notification, fix the maximum prices at which any ferro-alloy may be sold by a producer or a stockholder or any other person.

**35. Acquisition.**—No producer or stockholder or any other person shall sell and no person shall acquire any ferro-alloy at a price exceeding the maximum price fixed, if any, under clause 34.

**36. Power to obtain returns etc.**—The Controller may, with a view to securing compliance with this Part,—

- (a) require any producer, stockholder or any other person to furnish returns in respect of stocks, purchase, sale or disposal of ferro-alloys in such forms as may be specified by the Controller;
- (b) inspect or authorise any person to inspect any stocks of ferro-alloys held by any person or any books or other documents belonging to or under the control of any person;
- (c) enter and search, or authorise any person to enter and search, any premises, and seize or authorise any person to seize any stock of ferro-alloys in respect of which he has reason to believe that a contravention of this Part has been, is being or is about to be committed;
- (d) require any producer, stockholder or any other person to keep such books, accounts and other records relating to the production, stocks, sales or disposal of ferro-alloys.

**37. Power to issue instructions.**—The Controller may issue such instructions consistent with the provisions of this Part as may be necessary for carrying out the purposes of this Part."

2. after the existing Schedule, the following Schedule shall be inserted, namely:—

**"THE SECOND SCHEDULE**

(See clause 31)

Ferro-silicon  
Silicomanganese  
Ferro-chrome  
Ferro-Molybdenum.  
Ferro-tungsten  
Ferro-manganese  
Ferro-vanadium  
Ferro-phosphorus  
Ferro-titanium

**Ferrous scrap containing more than—**

0.50 per cent Nickel, or  
0.20 per cent Molybdenum, or  
1.00 per cent Tungsten, or  
0.20 per cent Vanadium, or  
1.00 per cent Cobalt."

[No. F. SC(I)-1(8)/66.]

H. LAL, Secy.

**CENTRAL ELECTRICITY AUTHORITY**

*New Delhi, the 16th February 1967*

**S.O. 782.**—In exercise of the powers conferred by Sub-Section 6 of Section 3 of the Electricity (Supply) Act 1948 (LIV of 1948) the Central Electricity Authority, with the approval of the Central Government, appointed Shri B. S. R. Iengar, Deputy Director in the Central Water & Power Commission (Power Wing) as Secretary of the Central Electricity Authority vice Shri C. K. V. Rao with effect from 3rd January, 1967 (FN) until further orders.

[No. 5/2/64-CEA(Adm-I).]

K. L. VIJ, Chairman, CEA.

**MINISTRY OF INFORMATION AND BROADCASTING**

*New Delhi, the 1st March 1967*

**S.O. 783.**—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Smt. Indira Satyamurti as a member of the Advisory Panel of the said Board at Bombay with immediate effect.

[No. F. 11/4/66-FC.]

R. K. GOVIL, Under Secy.

**MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**

**(Department of Labour and Employment)**

*New Delhi, the 28th February 1967*

**S.O. 784.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Richardson Hindustan Limited Tecticon House, Haines Road, Bombay-11 (BC) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. 8(47)/66-PF-II.]

*New Delhi, the 1st March 1967*

**S.O. 785.**—In pursuance of sub-section (1) of section 7B of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby authorises each of the Regional Labour Commissioners (Central) in respect of the area under his jurisdiction to determine the amount due from any employer under any provision of the said Act or of any Bonus Scheme framed thereunder and to conduct such enquiry as he may deem necessary for this purpose.

[No. 1(42)/66-PF-I.]

*New Delhi, the 4th March 1967*

**S.O. 786.**—Whereas the Central Government is satisfied that the employees of the Posts and Telegraphs Motor Service Workshop, Bombay, belonging to the Government of India in the Department of Communications, Posts and Telegraphs Board, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948, and in continuation of the Government of India in the late Ministry of Labour and Employment, S.O. No. 1454, dated the 29th April, 1966 the Central Government hereby exempts the above mentioned factory from all the provisions of the said Act for a further period upto and including the 14th January, 1968.

[No. F. 6(61)/66-HI.]

*New Delhi, the 6th March, 1967*

**S.O. 787.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories mentioned in the Schedule below in sparse areas in the State of Bihar, hereby exempts

them from the payment of the employers' special contribution leviable under chapter VA of the said Act until the enforcement of the provisions of chapter V of that Act in these areas :—

#### SCHEDULE

Serial No.	Name of the District	Name of the area	Name of the Factory
1	Santhal Pargana . . .	Mirya Chowki . . .	M/s. Bihar Brothers
2	Dhanbad . . .	Chalmundri . . .	M/s. Jain Dangich & Co.
3	Patna . . .	Sahokhar . . .	M/s. Swastic Industries
4	Shahabad . . .	Karamnasa . . .	M/s. Karamnasa Grid sub-Station

[No. F. 6(11)/67-HI(i)]

**S.O. 788.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories detailed in the Schedule below in sparse areas in the State of Madras, here by exempts them from the payment of employers special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in these areas :—

#### SCHEDULE

Serial No.	Name of the District	Name of the area	Name of the factory
1	Chingleput . . .	Tirupachur . . .	The Government General Purpose Engineering Workshop.
2	Coimbatore . . .	Pungar . . .	Tamilnad Cardboards and Paper Mills Ltd.
		Perali . . .	Canada Power House No. 3 Gopinari Reserve Forest Area, Parali Power House Post, Avanashi Taluk.
		Pillur . . .	Canada Power House No. IV, Pillur Dam Post.
3	Madurai . . .	Bidinaickanur . . .	R. Thayumana Pillai silk Cotton Factory, 7/2 3 Railway Station Road.
4	Ramnad . . .	Kalayarkoil . . .	Kaleeswar Mills, No. 2 Unit Somanathamangalam.
		Paramakudi . . .	Pioneer Spinners (P) Ltd., Pioneer Nagar Post.
5	South Arcot . . .	Tindivanam . . .	The South Arcot District Co-operative Spinning Mills, II-498, Post Box No. 4.
6	Tanjore . . .	Tiruvarur . . .	(i) Hahnmann Homeo Institute, 32, Kamalalayam North (ii) Agricultural Implement Workshop, Pavithramantickam, Elavankarkudi, P.O.
7	Tiruchi . . .	Umayalpuram . . .	Sri Rajagopalan Paper & Boards Mills.
8	Tirunelveli . . .	Piranoor . . .	Meera Industries, Courtallam Road via Tenkasi.
9	Pondicherry . . .	Nedungadu . . .	Soundaraja Mills Ltd., Triunallar Road.

[No. F. 6(10)/67-HI].



**S.O. 789.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory in an implemented area, exempts the Assam Government Branch Press, Gauhati, from the payment of the employer's special contribution leviable under chapter VA of the said Act, for a further period of one year with effect from the 1st March, 1967.

[No. F. 6/12/67-HI.]

### ORDER

*New Delhi, the 1st March 1967*

**S.O. 790.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts for a further period of one year upto the and including the 21st January, 1968, every factory wherein ten or more persons are not employed or were not employed at any time during the preceding twelve months, by the principal employer directly or by or through an immediate employer, even though twenty or more persons are or were working in the premises, from the payment of the employer's special contribution leviable under Chapter VA of the said Act.

[No. F. 6/1/67-HI.]

DALJIT SINGH, Under Secy.

### (Department of Labour & Employment)

*New Delhi, the 2nd March 1967*

**S.O. 791.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the Employers in relation to the United Bank of India Limited, Calcutta and their workmen which was received by the Central Government on 24th February, 1967.

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE No. 142 OF 1966

#### PARTIES:

Employers in relation to the United Bank of India Limited, Calcutta,

AND .

Their workmen.

#### PRESENT:

Shri S. K. Sen—Presiding Officer.

#### APPEARANCES:

*On behalf of Employers*—Shri Anil Sen, Personnel Officer.

*On behalf of Workmen*—Shri Prabhuranjan Sen, President, United Bank of India Employees' Association.

STATE: West Bengal.

INDUSTRY: Banking.

### AWARD

By Order No. 55(19)/65-LRIV dated 26th May, 1965, the Central Government referred for adjudication an industrial dispute existing between the employers in relation to the United Bank of India Limited, Calcutta and its workmen in respect of the subject matter mentioned in the following schedule:

“Re-Instatement of Sri Hrishikesh Sadhukhan, workman at Salkia Branch of the Bank discharged by the Bank from service on 12th November 1963 under paragraph 521(2)(c) read with paragraph 521 (10)(c) of the Sastry Award.”

2. Hrishikesh Sadhukhan was previously an employee of the Salkia branch of the Bengal Central Bank Limited. On the constitution of the United Bank of India Limited in 1950 by amalgamation of the Bengal Central Bank Limited, The Hooghly

Bank Limited, Comilla Union Bank Limited and the Comilla Banking Corporation Limited, Hrishikesh was posted as an Assistant Cashier at the amalgamated branch of the Bank at Salkia. Murari Mohan Sarkar was the Chief Cashier and Joydeb Dutta was the other Assistant Cashier at that branch. On 9th February 1960 the Chief Cashier Murari Mohan Sarkar was acting as the paying cashier while both the Assistant cashiers were working as receiving cashiers. The Royal Exchange branch of the United Bank of India Limited is used as the repository of notes and coins by the other branches of the bank in Calcutta and Howrah area. On 9th February 1960 a consignment of Rs. 40,000 consisting of fresh notes was received from the Royal Exchange branch at the Salkia branch and Rs. 61,000/- consisting mostly of old notes and some coins was dispatched from Salkia branch to the Royal Exchange branch. The money meant for dispatch to the Royal Exchange branch was taken out from the Safe at the branch by the Agent, Ramapada Ghosh and the Chief Cashier, Murari Mohan Sarkar, jointly, each of them having a key of the Safe and both keys being necessary for opening the safe. The money was taken out by them in two instalments. At first Rs. 61,000/- was taken out in the following denominations, namely, Rs. 50,000/- in 10 rupee notes, Rs. 5000/- in 5 rupee notes, Rs. 2,000/- in 2 rupee notes, Rs. 2000/- in 1 rupee notes and Rs. 2000/- in 50 nP. bits contained in 2 bags. The notes and coins were handed over to Rash Behari Majhi, Cash Peon, at the Salkia branch for making the packets of notes into bundles of 10 packets each and to seal the bundles, and in respect of the bags of coins to seal the bags. This was sometime between 10:10 A.M. and 10:20 A.M. Shortly after the above mentioned notes and coins had been brought out and handed over to Rash Behari Majhi, a further sum of Rs. 20,000/- in 2 packets of hundred rupee notes were brought out from the safe and handed over to Rash Behari Majhi for sealing, the notes being old notes meant for sending to the Royal Exchange branch. At about 10:45 A.M. Murari Mohan Sarkar, the head cashier, being short of 10 rupee notes required for paying out to parties, took one bundle of 10 packets of 10 rupee notes, i.e. Rs. 10,000/- from the money entrusted to the cash peon Rash Behari Majhi for stitching and sealing so that the balance left with the cash peon was Rs. 71,000/-. At about 11:30 A.M. the Cash Collector of the Royal Exchange branch came with a van and delivered Rs. 40,000 in new notes to the Salkia branch and asked for the delivery of the old notes and coins intended to be sent to the Royal Exchange branch. At that time the cash peon was not found in his cage, which was the same cage as that of Hrishikesh Sadhukhan. Learning that he had been sent by Hrishikesh to prepare tea, the Head cashier sent for him and on his return the cash peon handed over the bundles of notes and bags of coins which he completed sealing. A challan was prepared showing details of the consignment meant for the Royal Exchange branch, and with that challan, Rs. 61,000/- was sent in the following denominations: Rs. 20,000/- in 2 bundles each containing 10,000 in one hundred rupee notes; Rs. 30,000 in 3 bundles each containing Rs. 10,000 in 10 rupee notes; Rs. 5000/- in one bundle of 5 rupee notes; Rs. 2000/- in one bundle of 2 rupee notes; Rs. 2000/- in 2 bundles of 1 rupee notes and Rs. 2000/- being 50 nP. bits in 2 sealed bags. The Royal Exchange branch van left the Salkia branch with the above remittance at about 12:30 P.M. The hours of business for paying out cash to and receiving cash from the public are 10 A.M. to 2 P.M., but Hrishikesh Sadhukhan, the Assistant cashier left the bank at about 12:45 P.M. on that day, on the plea that he had not been able to take his meal in the morning before coming to attend his duty. He first asked for permission of the Head cashier, who referred to the Agent; the Agent learning that he had not been able to take his meals in the morning as he had gone to his brother-in-law's house in connection with his daughter's marriage negotiation which was jeopardised on account of extra demand by the groom's party, and that he had come direct to attend his duty from his brother-in-law's house, granted him permission without realising that anything was amiss. By 4 P.M. the Headcashier had received the cash from the two Assistant cashiers and he started verifying the cash against the books, and he then found that there was a shortfall of Rs. 10,000/-. He tried until 4:30 P.M. to reconcile the cash and obtained the assistance of another assistant, but the accounts could not be reconciled and it became clear that Rs. 10,000/- was missing. He then reported to the Agent, Ramapada Ghosh who also scrutinised the books and found no mistakes in the books but found a shortage of Rs. 10,000/-. It was then realised that out of the bundles of 10 rupee notes handed over to the Cash peon, Rash Behari Majhi, for stitching and making into bundles and sealing the bundles, one bundle of 10 rupee notes was missing, because one bundle of Rs. 10,000 had been taken back by the Headcashier for payments to the public and 3 bundles of 10,000/- rupees each were included in the remittance to the Royal Exchange branch and thus one bundle of Rs. 10,000 remained unaccounted for. The head office was then informed by the agent at about 5 P.M. Enquiry was made at the Royal Exchange branch to ascertain whether by mistake the remittance included an additional bundle of Rs. 10,000/- in 10 rupee notes, but it was found that that was not so. Then Robin Mukherjee and Jagadish Paul came from the Head office and also another officer M. N. Roy of

the Special Department. They made enquiries and suspicion fell on Hrishikesh Sadhukhan because it appeared that at about 11 A.M. when the Cashpeon was engaged in making up the bundles and sealing them, Hrishikesh asked him to go out and prepare hot water for tea, saying that he had come without taking his meal, and at about 11.15 A.M. he again directed the cash peon to go and prepare the tea with the hot water which must be ready and serve a cup of tea to him and other cups to those who wanted, and thus the cash peon Rash Behari Majhi who was doing the work within the same cage as Hrishikesh Sadhukhan had to leave his notes and bags unattended and go out of the cash cage twice and in the meantime Hrishikesh Sadhukhan had the opportunity to remove one bundle of 10 rupee notes. Further, on the same day Hrishikesh Sadhukhan had taken leave to go home during the working hours of the bank i.e., at 12.45 P.M. and had been absent for an hour or more, although he usually went home for his meal after 2 P.M. i.e., after the close of transactions with the public. A first information report was lodged at about 10 P.M. at Malipanchghara P.S., Howrah and at about 11 P.M. the police came. Up to that time and for some time afterwards all the staff of the bank had been kept back at the bank to facilitate the investigation. The Police arrested the Assistant Cashier, Hrishikesh Sadhukhan. At about 1 A.M. the police officer with the Agent of the bank and Hrishikesh Sadhukhan went to Hrishikesh's house and the house was searched by the police. In Hrishikesh's room only Rs. 60/- or 70/- was found in his almirah, but in the room of his father Lakshman Chandra Sadhukhan over Rs. 10,000/- was found in the almirah which was opened with the key brought from Hrishikesh's wife. Out of the cash the police seized 80 hundred rupee notes and 200 ten rupee notes, a total sum of Rs. 10,000/-. After that money had been seized by the Police only a small sum remained in the almirah. It should be mentioned that police that very night also arrested the Headcashier Murari Mohan Sarkar and the Cashpeon, Rash Behari Majhi. But after completing the investigation the police submitted final report as regards Murari Mohan Sarkar and Rash Behari Majhi and submitted chargesheet only against Hrishikesh Sadhukhan.

3. Hrishikesh Sadhukhan was placed on trial before Shri R. K. Ganguly, Magistrate, 1st class, Howrah in respect of charges under Sec. 408 I.P.C. for criminal breach of trust and 411 I.P.C. for receiving stolen property. The learned Magistrate acquitted him of both the charges finding that the prosecution had failed to prove its case against the accused. This order was passed by the Magistrate on 9th January 1961. On 12th January 1961 Hrishikesh Sadhukhan claiming that he had been honourably acquitted wrote to the agent asking for reinstatement. He had been placed under suspension on arrest by the police on 9th February 1960. The agent or other bank authorities did not however send a reply for nearly 4 months. On 4th May 1961 the bank served a chargesheet on Hrishikesh Sadhukhan asking him to show cause within 7 days why disciplinary action should not be taken against him. Ext. 1 is the original chargesheet served. After setting out the facts the chargesheet mentions 4 charges, (1) that he deliberately sent out the cash peon from the cash cage and in his absence stole one bundle containing 10 packets of 10 rupee notes amounting to Rs. 10,000/-; (2) that for convenience in taking the money home he exchanged most of the 10 rupee notes of the bundle against 100 rupee notes included in the money received by him as Assistant cashier from the public in the course of business at the bank; (3) that in order to cover this exchange he made false entries as to the denominations in the paying in slips with which the public deposited money and also made false entries in his cash receiving book as to the denominations of the notes received by him; and (4) that in order to remove the stolen money he left the bank premises during the hours of transaction with the public on a false plea. Hrishikesh submitted his reply, Ext. A, which was received by the bank on 15th May 1961. The bank authorities thereafter appointed Shri M. L. Sen Sharma, Deputy Secretary to the Board of Directors, and Shri R. N. Goswami, Personnel Manager attached to the Head office, as the Inquiry Committee. The date for the enquiry was fixed as 15th December 1961 but it was postponed on that date at the request of the General Secretary of the United Bank of India Employees Association, the President of which association, Shri Prabhuranjan Sen, conducted the defence on behalf of Hrishikesh Sadhukhan. The postponed enquiry commenced on 10th January 1962, and was long protracted, the examination and cross examination of the witnesses produced by the bank taking 36 days, and the arguments 9 days. No witness in defence was produced although Hrishikesh Sadhukhan himself gave his statement at length and was cross examined. The inquiry officers submitted their report on 12th November 1963, their finding being that there was no direct conclusive or sufficient evidence to sustain the charges against Hrishikesh Sadhukhan, but there was strong and reasonable suspicion attaching to his conduct, and that it was not desirable to retain him in the service of the bank which is a credit institution handling large sums of public money. Thereupon by an order dated 12th November 1963 signed by the Secretary of the Board of Directors, Shri

A. K. Roy, Hrishikesh Sadhukhan was discharged with effect from the date of the order under paragraph 521(2)(c) read with paragraph 521(10)(c) of the Sastri Award vide Ext. 2. By a letter dated 10th December 1960, Ext. 3, the Secretary asked Hrishikesh Sadhukhan to collect 3 months' pay and allowances in lieu of notice to which he was entitled under paragraph 521(2)(c) taken with paragraph 521(10)(c) of the Sastri Award. Hrishikesh Sadhukhan did not however take the money. He preferred an appeal. The authorities of the bank at first were of the opinion that the appeal was not maintainable as the order of discharge was not by way of disciplinary action. Ultimately, however, the appeal was entertained and heard by the Secretary, Sri A. K. Roy, who is also the appellate authority. By his order dt. 25th March 1964 the appellate authority dismissed the appeal. Thereafter the employees association on behalf of the Assistant cashier moved the Regional Labour Commissioner (Central), against the order of discharge and there was some attempt at conciliation, but the conciliation attempt failed, and so ultimately at the instance of both parties the matter was referred by Government to the tribunal.

4. Shri Prabhuranjan Sen, President of the United Bank of India Employees Association, has also represented Hrishikesh Sadhukhan before the tribunal. The first point urged by him is that the bank authorities were wrong in starting domestic proceedings on substantially the same charge as that for which Hrishikesh Sadhukhan had been tried by the criminal court and acquitted. The charges however are not in terms identical. Before the criminal court the charges were under Sec. 408 I.P.C. for criminal breach of trust as an employee of the bank and under Sec. 411 I.P.C. for receiving stolen property. The four charges in the chargesheet served on Hrishikesh Sadhukhan have been given above. They concern the actual theft of the bundle of Rs. 10,000/- and dishonest conduct to facilitate the theft and to conceal his connection with the theft. It cannot however be denied that the charges are in substance identical. There is however no bar in law against the bank starting domestic proceedings in respect of the same charge after acquittal by a criminal court. In this connection reference may be made to 1954 I LLJ 189 (United Bank of India Limited Vs. Raghu Nath Misra (L.A.T.)) where it was held that an acquittal by a criminal court does not prevent an employer from holding an enquiry on the same charge and coming to its own conclusion upon it; and also to 1966 I LLJ 55 (Moti Singh Chhagasingh Vaghela Vs. Mehta) (Gujarat High Court) in which it was held that there was no legal basis for the submission that a departmental enquiry is barred on the same facts on which an order of acquittal has been recorded by a criminal court. There is also the decision of Supreme Court that a departmental proceeding is distinct and separate from a criminal proceeding in respect of the same facts and the one does not bar the other, vide AIR 1954 SC 375 (Venkataraman Vs. Union of India). Shri Prabhuranjan Sen relies on an observation in favour of his contention, contained in paragraph 505 of the Sastri Award, which came into force on the 1st April 1953 and of which the life was fixed by the Central Government by statute as 5 years in the first instance, instead of one year as in awards generally under the Industrial Disputes Act. For a long period, therefore, the Sastri award which laid down in detail the scales of pay, the service conditions, the procedure for disciplinary action, etc. for the banks was considered as the Standing Orders of the banks. It should be mentioned however that in April 1959 the All India Bank Employees Association gave notice of termination of the Sastri award under Sec. 19 (6) of the Industrial Disputes Act, and thereafter there was a strike in many banks, and the Government by an order dt. 21st March 1960 appointed the Desai Tribunal for adjudicating the bank disputes afresh, and by a separate order of the same date prohibited the strikes and directed the employees to return to work. The Desai award was passed on 7th June 1962. It reproduced or confirmed certain directions of the Sastri Award but discarded other directions.

5. In paragraph 505 of the Sastri award it is observed that a verdict of acquittal passed by a competent court of law should not be lightly challenged by departmental enquiries for disciplinary action unless the bank management feels that there has been such gross violation of the departmental rules as to necessitate a further enquiry in the interests of the institution on matters other than those in respect of which he has been already acquitted; and that if after the departmental enquiry the management still feels that the employee cannot continue in service it can terminate his services only on payment of 3 months' salary and allowances in lieu of notice. But the observation contained in the paragraph that "a departmental enquiry after the acquittal by the criminal court would amount to double trial in respect of the same offence" cannot be regarded as a correct proposition of law after the decision of the Supreme Court in Venkataraman Vs. Union of India (AIR 1954 SC 375) cited above, and subsequent rulings confirming that

decision. The Sastri award was passed long before 1954. The position must therefore be regarded to have changed substantially and moreover paragraph 505 has not been reproduced or confirmed by the Desai award although paragraph 521 has been reproduced and confirmed. We must confine our attention to paragraph 521. Paragraph 521 (2)(c) provides that if an employee is acquitted, it shall be open to the management to proceed against him under the provisions set out in sub-paragraphs 9 and 10 relating to discharge; and in the event of the management deciding after enquiry not to continue him in service, he shall be liable only for termination of service with 3 months' pay and allowances in lieu of notice; and that he shall be deemed to have been on duty during the period of suspension and shall be entitled to full pay and allowances minus such subsistence allowance as he has drawn, provided that if he be acquitted by being given the benefit of doubt he may be given such proportion of the pay and allowances as the management may deem proper. It may be mentioned that in one case, *Bhagawandas Vs. Central Government Labour Court, Delhi* (1963 1 LLJ 632) (Punjab High Court) where a bank employee prosecuted under Sec. 408 and 420 I.P.C. was acquitted and the management dismissed him after enquiry on the same subject matter and where the claim of the bank employee for full salary and allowances during the period of suspension was not allowed by the Labour Court on the ground that the acquittal was not honourable but on the ground of benefit of doubt, the High Court pointed out that under paragraph 521(2)(c) the bank was only entitled to terminate the employee's services on the terms mentioned in that paragraph and not to dismiss him; and observed that there was nothing in the Criminal Court judgement to show that acquittal had been ordered by giving the benefit of doubt, and sent the case back to the Labour Court for reconsideration of the pay and allowances admissible during the period of suspension. In the present case, even though the bank authorities pleaded that Hrishikesh Sadhukhan was given the benefit of doubt only and not honourably acquitted, they have offered full pay and allowances during the period of suspension until the date of his discharge by the bank and also the 3 months' pay and allowances admissible under paragraph 521(2)(c), but so far Hrishikesh Sadhukhan has not accepted the same, thinking that his acceptance might jeopardise his chance of reinstatement.

6. As to the claim for reinstatement it may be observed at once that a bank dealing with the public in money and credit cannot possibly keep on its rolls an employee in whom they have ceased to have trust. In my opinion, therefore, the union has been wrongly advised to proceed with the claim for reinstatement for so many years. The points argued by Shri P. R. Sen must however be considered serially.

7. As regards the first point, I hold that the proceeding started by the bank was not barred by paragraph 505 and cannot be regarded as bad in law.

8. The second point urged by Shri P. R. Sen is that out of the two enquiring officers appointed by the bank, namely N. M. Sen Sarma, Deputy Secretary to the Board of Directors and R. M. Goswami, Personnel Manager attached to the Head office, Hrishikesh Sadhukhan objected to the appointment of R. M. Goswami on the ground that before amalgamation of the banks, he was attached to the Salkia branch of the Hooghly Bank Ltd. and that he and Ramapada Ghose, the present agent of Salkia branch used to work together and were close friends, and that Murari M. Sarkar and Rash B. Majhi also belonged to the Hooghly Bank previously, and in the circumstances Hrishikesh Sadhukhan suspected that R. M. Goswami might be prejudiced in the enquiry against him in which the conduct of Ramapada Ghose, the agent, Murari Mohan Sarkar, the Head cashier and Rash Behari Majhi the Cash peon were relevant. This objection without giving so many details is contained in Ext. E which was written by Hrishikesh Sadhukhan to the Secretary, United Bank of India Limited on 7th January, 1962, i.e., after the first date fixed for the enquiry but before the enquiry was actually taken up. This objection was over-ruled by the bank authorities, and I must agree with the bank authorities that the objection was not based on any substantial ground. R. M. Goswami was only one of the two enquiry officers and he would have to base his decision on the evidence recorded in the presence of the representatives of the union. There could be no apprehension of any exercise of bias and injustice. Shri P. R. Sen has urged that the bank authorities showed prejudice by proceeding against Murari Mohan Sarkar and Rash Behari Majhi only for negligence in respect of the bundle of 10 rupee notes, whereas the bank authorities had started proceedings against Hrishikesh Sadhukhan for theft and other suspicious conduct in connection with the bundle of 10 rupee notes. It has also been urged that apparently influenced by the bank authorities the police did not

search the house of Murari Mohan Sarkar on 9th February 1960 at night, although the houses of Hrishikesh Sadhukhan and Rash Behari Majhi were searched. As regards Murari, however, there was evidence that he had not left bank premises at all on 9th February 1960 even during the normal recess hour, and the police apparently did not consider it possible for him to remove the bundle of 10 rupee notes. As regards Rash Behari Majhi, there is evidence that he had left the bank premises only for a few minutes between 1 and 1-30 p.m. and that the darwan saw him going out with tumblers and coming back with the tumblers full of tea, and therefore his explanation was naturally accepted that he had gone out to bring tea for some other employees of the bank. It was Hrishikesh who had gone away at 12-45 p.m. and had been absent for more than an hour and there was also evidence that he had twice sent out the Cash peon from the cash cage and thus had opportunity to remove a bundle. In the circumstances, it cannot be said that the bank authorities' suspicion against Hrishikesh Sadhukhan was due to prejudice and not based on substantial reasons.

9. The third point urged by Shri P. R. Sen is that the proceedings were vitiated by admission of hearsay evidence. It must be conceded that to a certain extent hearsay evidence was admitted. Thus the police officer who made the search was not examined but the search list prepared by him was used as evidence. Murari M. Sarkar when examined as a witness referred in cross-examination to a statement supposed to be made by one Bejoy Sadhukhan, that he had been requested by Hrishikesh to influence Sarat Sadhukhan, proprietor of Gopal Oil Mills, and also to a statement of Sarat Sadhukhan that Sarat Sadhukhan had told Hrishikesh Sadhukhan that it was not possible for him to make a false statement, but neither Bejoy Sadhukhan nor Sarat Sadhukhan was examined as a witness before Enquiry Officers. Now this part of the evidence was relevant in connection with the charge that Hrishikesh Sadhukhan had taken some 100 rupee notes from the cash received by him from the public on 9th February 1960 in exchange for 10 rupee notes from the stolen bundle. Sarat Sadhukhan, proprietor of Gopal Oil Mills had deposited Rs. 8,000/- on 9th February 1960 and the question was whether he had deposited the amount in 100 rupee notes or in notes of smaller denomination. In the paying in slip which was proved before the Enquiry Officers the sum of Rs. 8,000/- is entered against the denomination of 100 rupees, giving rise to the presumption that whole money was in 100 rupee notes, but on the bank's copy of the paying in slip Hrishikesh made a pencil note indicating that only 1,000/- out of this sum was in 100 rupee notes and the balance in notes of smaller denomination. Accordingly, if Sarat Sadhukhan had come and deposited that he had deposited or caused to be deposited the sum of Rs. 8,000/- in hundred rupee notes only, that would be a strong piece of evidence against Hrishikesh and would practically clinch the case against him. Hence the circumstances that Hrishikesh tried to induce Sarat Sadhukhan to depose falsely in his favour becomes important, but there was no legal proof of the circumstance. It appears to me however that the enquiry officers were quite aware that the statement of Bejoy Sadhukhan and Sarat Sadhukhan as reported by Murari M. Sarkar was only hearsay evidence, because they observed that the case was not proved against Hrishikesh Sadhukhan by direct evidence but there was strong suspicion against him. It cannot be said that it was improper on the part of bank authorities to rely on what Murari M. Sarkar may have learnt in the course of his enquiry as a ground of suspicion against Hrishikesh Sadhukhan. As to why Sarat Sadhukhan could not be produced as a witness for the bank, the bank authorities explained that he was distantly related to Hrishikesh Sadhukhan. It appears that in the course of his cross examination Hrishikesh Sadhukhan had first denied the relationship but subsequently when the bank examined another witness to prove the relationship, Hrishikesh Sadhukhan was recalled by Shri P. R. Sen who was conducting the defence on his behalf and he made a statement that he had misunderstood the question and so given a wrong reply and then admitted the relationship. In the circumstances, the bank authorities cannot be blamed for not examining Sarat Sadhukhan as witness. It appears that the enquiry officers gave an opportunity to Hrishikesh to produce him as his own witness but Hrishikesh refused to do so. In fact, Hrishikesh did not examine any witness in support of his case, but allowed the suspicious circumstances as proved by the witnesses for the management to remain un rebutted. Even his father, Lakshman Chandra Sadhukhan was not called to prove the defence case that the money belonged to his father and had been received by his father as compensation at the time of partition of joint family assets. Thus my finding on this point is that though some hearsay evidence was admitted, the enquiry officers were conscious that hearsay evidence could not be used to substantiate the charges and used the hearsay evidence only to hold that there was suspicion, and it cannot be said that this was improper.

10. The next point urged by Shri P. R. Sen is that on the facts that it was not even a possible view that Hrishikesh Sadhukhan was guilty of the charges against him. As to this, I should point out that the enquiring officers did not take the view that Hrishikesh Sadhukhan was guilty of the charges against him. They definitely said that charges were not proved by sufficient evidence. But on the facts it is certainly a possible view that Hrishikesh Sadhukhan had taken the money. Shri P. R. Sen has urged that the agent, Ramapada Ghose and the Chief Cashier, Murari Mohan Sarkar, jointly brought out the 5 bundles of 10 rupee notes from the safe after entering the fact in the safe guide register and 81,000/- was supposed to be remitted to the Royal Exchange branch that day; but the Head cashier made no fuss when the money produced at the time of remittance at about 11-30 A.M. was Rs. 61,000/- including only 3 bundles of 10 rupee notes, nor did the agent ask any question when he countersigned the challan of remittance containing the details of 61,000 remitted to the Royal Exchange branch. Shri P. R. Sen has said that it should have struck Murari at once that one bundle of 10 rupee notes was missing, and that the agent should have asked about 2 bundles of 10 rupee notes including the one which had been taken by Murari Mohan Sarkar for disbursement to the public. It has been urged that the fact that they did not make any enquiry until a shortage was detected at about 4 to 4-30 P.M. would go to show that there was suspicion against them also. It is no doubt true that the Head cashier and the agent were not sufficiently alert. This remark applies particularly to the Headcashier, who no doubt was guilty of gross carelessness and should have spotted at once the loss of one of the 10 rupee bundles when the remittance for the Royal Exchange branch was made up after taking the sealed bundles from the Cash peon. As a matter of fact, Murari Mohan Sarkar was also arrested by the police for the theft along with the cash peon and Hrishikesh Sadhukhan, but there were circumstances indicating that it was Hrishikesh rather than the Chief cashier or the cash peon who was responsible for the secretion of the bundle. Even if it is held that the Chief cashier, and the peon might also have been concerned in the mis-appropriation, it must be held at the same time that it was possible for Hrishikesh to have done so and that the grounds of suspicion were stronger against him. In the circumstances I cannot accept the argument that it was not a possible view that Hrishikesh might have taken the money, although as already pointed out the Inquiring officers held that the charges were not proved by legal evidence.

11. The next point urged is that the finding of the Inquiry Committee is perverse and against the weight of evidence. Shri P. R. Sen has urged that several items of evidence or discrepancy were not considered or were slurred over by the Inquiring officers, e.g. an admission by the cash peon in cross-examination that when he arrived, he found bundles of notes lying unattended on the bench, the cash peon's assertion that he did not receive the bundles of hundred rupee notes meant for despatch to the Royal Exchange Branch, Murari Sarkar's statement submitted to the Head office investigator, Robin Mukherjee, that for disbursement he had taken interim cash from the assistant cashiers, as against his statement at the domestic inquiry that he had taken interim cash from the other assistant cashier Joydeb Dutta only, and so on. But I find that the Inquiry Officers considered the matters. They did not accept the statement of the cash peon referred to above, observing that there was reason to think that he had been influenced to make statements in cross-examination favouring the defence; they also considered whether the Head cashier would have taken interim cash from Hrishikesh Sadhukhan on that day; ultimately they found that the charges had not been proved by legal evidence. Shri P. R. Sen has urged that on the evidence they should have held that Hrishikesh Sadhukhan could not have committed the theft alleged. But I do not see how that view could possibly be taken. I must say that on the facts and evidence the finding that there was strong suspicion against Hrishikesh Sadhukhan cannot in any way be held to be perverse.

12. It has next been urged that there was violation of natural justice in as much as when Hrishikesh made a statement when cross examined at length on behalf of the management, some of the statements made by him were used against him in holding that there was strong suspicion against him. Such a procedure is quite permissible in a domestic enquiry, because the domestic enquiry is not restricted by the limitations of Sec. 342 of the Criminal Procedure Code in the matter of questioning the accused. It has also been urged that there was violation of natural justice as after the examination of Hrishikesh Sadhukhan, certain witnesses, particularly the agent, were allowed to make certain further statements. But the agent at that stage only produced certain pay-in-slips called for by Sri P. R. Sen. This could not prejudice Hrishikesh. One or two other witnesses were called to make certain short statements, e.g. as to Hrishikesh's relationship with Sarat Sadhukhan, but Hrishikesh was allowed to be recalled to give his explanation. I find no violation therefore of natural justice.

13. Lastly, it has been urged that the provisions of paragraph 521(2)(c) and 521(10)(c) were not properly applied as a simple discharge order was not passed, but it was mentioned in the discharge order that as per findings of the officers conducting the enquiry Hrishikesh was considered unfit for retention in the services of the bank, though at the same time it was stated that his discharge was under paragraph 521 (2)(c) read with paragraph 521(10)(c) of the Sastri award. I must agree that it was not correct to refer to the findings of the enquiry officers and to say that Hrishikesh was considered unfit for retention in the service of the bank. In a somewhat similar case, the State Bank first issued a show cause notice on a workman acquitted by a criminal court and thereafter passed a simple discharge order, the terms of the show cause notice being "with reference to the departmental enquiry held at this branch on 6, 13 and 15th July and 23rd August, 1957 I have to inform you that the report of the enquiry officer in your case has been considered by the bank and it is proposed that you be discharged on payment of a month's pay and allowance in lieu of notice as provided in para 521(10)(c) of the Sastri award. Accordingly, you are hereby required to appear before me on....." vide *Suprasad Mukherjee Vs. State Bank of India* (1961 II LLJ 736). Even though there is a decision that a State Bank employee is not a person holding a civil post under the Central Government within the meaning of Article 311 of the Constitution, the State Bank authorities apparently thought it necessary to serve a show cause notice against the discharge order proposed. In the present case, the United Bank of India was not required to issue such a show cause notice. The bank should merely have referred to the departmental enquiry and said that the report had been considered by the bank authorities and that the services of Hrishikesh Sadhukhan were being terminated with effect from that date under paragraph 521(2)(c) read with 521(10)(c) of the Sastri Award. The use of the term 'unfit for retention' might prejudice the chances of Hrishikesh Sadhukhan in getting employment elsewhere. It should be mentioned however that in the meantime he has not looked for service elsewhere and has not so far been prejudiced by the order. It would be sufficient, therefore, if the bank is directed to issue an amended discharge order after omitting the aforesaid term. But Hrishikesh Sadhukhan is not entitled to any other relief.

14. Accordingly I hold that Hrishikesh Sadhukhan of Salkia Branch of the United Bank of India Limited who was discharged from service on and from 12th November, 1963 under Paragraph 521(2)(c) read with Paragraph 521(10)(c) of the Sastri Award is not entitled to reinstatement; but the Bank should issue a revised order of termination of service as indicated above, containing reference to the original date and the date of amendment. Such an amended order should be issued within a month of the date of the publication of this award. The Bank will not incur liability for pay and allowances beyond the 12th November 1963 by issuing the revised discharge order.

No order is made as to costs.

Sd/- S. K. SEN,  
Presiding Officer.

Dated the 21st February 1967.

[No. F. 35(19)/65-I.RIV.]

#### ORDER

New Delhi, the 2nd March 1967

**S.O. 792.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs. Bombanji Dhunjibhoy Private Limited, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexd;

And, Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.



**SCHEDULE**

Whether the management of Messrs Bomanji Dhunjibhoy Private Limited, Bombay was justified in terminating the services of Shri N. M. Cooper with effect from 30th July 1966? If not, to what relief is he entitled?

[No. 28 (137)/66-LR. IV]

A. L. HANDA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 2nd March 1967

**S.O. 793.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court (Central) Jabalpur, in the industrial dispute between the employers in relation to the Birsinghpur Colliery of Messrs Johilla Coal Fields Limited, Post Office Birsinghpur (Madhya Pradesh) and their workmen, which was received by the Central Government on the 27th February, 1967.

**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (CENTRAL)  
AT JABALPUR.**

*Camp at Allahabad*

*Dated February 9, 1967*

**PRESENT:**

Sri G. C. Agarwala.—*Presiding Officer.*

**REFERENCE No. CIT/LC (42)/1966.**

In the matter of an Industrial Dispute between the Employers in Relation to the Birsinghpur Colliery of M/s. Johilla Coal Fields Limited, Post Office Birsinghpur (Madhya Pradesh) and their workmen.

**APPEARANCES:**

*For the employers.*—Sri J. K. Chowdhry, Law Secretary, Central India Coalfields Mine Association and Sri K. C. Jain, Manager of the concern.

*For the workmen.*—Sri G. C. Jaiswal, General Secretary and Sri Abdul Rahman, Vice President of Johilla Colliery Mazdoor Sangh.

**INDUSTRY:** Coal Mine.

**DISTRICT:** Birsinghpur, (Shahdol (M.P.)).

**AWARD**

By Notification No. 5/39/66-LRII dated 15th November, 1966, the Ministry of Labour, Employment and Rehabilitation, Government of India, referred the following matter of dispute, as stated in the Schedule to the order of reference for adjudication to this Tribunal:—

**SCHEDULE**

Whether the management of Birsinghpur Colliery of Messrs Johilla Coal Fields Private Limited, Post Office Birsinghpur, (Madhya Pradesh), was justified in retrenching Shri Himmat Singh, Lamp Room In-charge, with effect from the 16th December, 1965? If so, to what relief is the workman entitled?

2. After usual notices were sent to parties, the management filed written statement on 20th December, 1966. The workmen filed their written statement on 6th January, 1967. The parties were thereafter directed to file their rejoinders on 30th January, 1967. The management filed their rejoinder on that day but the workmen took an adjournment and 7th February, 1967, was fixed for their rejoinder and for preliminary hearing. The rejoinder of the workmen was filed on this day and after going through the pleadings and hearing the parties, the following preliminary issue was framed in the case:—

**Preliminary Issue**

Whether the termination of employment of the workman concerned, Sri Himmat Singh, was by way of retrenchment or discharge?

3. The parties were called upon to produce evidence on this preliminary issue. The management examined one witness, Sri K. C. Jain, Manager, as E.W. 1 and he proved documents Ex. E-1, E-1/A to E-1/D. The other documents filed by the management were admitted by the workmen and are Exts. E/2 to Ex. E/6. The workmen examined one witness, Sri Himmat Singh, the workman concerned. One document was filed on behalf of the workmen which was admitted by the management and is Ex. W/1 of the record. The evidence on the issue was thereafter concluded.

4. The workman concerned, Sri Himmat Singh, was employed as Electrician from 3rd February, 1959, and from the middle of 1964 he was Lamp Room In-charge. His services were terminated by the management by an order dated 16th December, 1965, the original of which is Ex. E/1. The stand taken by the management was that the services of Sri Himmat Singh were terminated by way of discharge in accordance with the Standing Orders at his own request. He was guilty of moral turpitude with a daughter of another member of the staff in the colony. When he was forced with the choice of disciplinary action resulting in charge-sheet and consequent dismissal, he preferred to accept the discharge so as to save him from dis-repute. The management agreed to do so and also to extend the advantage of his receiving the entire amount of employers contribution to the provident fund. Further so that he may not put to a financial loss, the management agreed to pay him compensation as *ex-gratia* payment on the lines of retrenchment compensation. Sri Himmat Singh received payment after discharge and recorded an endorsement as receipt of payment in full and final settlement of his dues. It was only after he had received payment from the management and later on when the management helped him in receiving payment of provident fund that the workman dishonestly changed the stand and approached the Union with this claim. There was no question of any retrenchment as he was not surplus nor the management treated the termination as a retrenchment.

5. The Union, however, contended that Sri Himmat Singh was retrenched by the management without any reason and without complying with due provisions of law.

6. It is abundantly clear from the evidence on record that the termination of employment was not at all by way of retrenchment. The Manager, Sri K. C. Jain, in his statement has narrated the circumstances under which the workman preferred the discharge instead of facing enquiry and dismissal. The management wanted to be generous to him and therefore by terminating his employment they had no intention to deprive him of the provident fund and further agreed to pay the *ex-gratia* payment on the lines of retrenchment compensation so as to close the matter. This version of the Manager is fully supported by the terms of the letter of termination of employment which are the following:—

"As your services are no longer required by us, you are being discharged from service forthwith.

You will be paid one month's pay in lieu of notice period. You will be paid service compensation on the lines of retrenchment compensation."

7. The workman concerned, Sri Himmat Singh, admitted this writing when he signed the order. He, however, denied a passage above the signature which is in following terms:—

"Accepted discharge from service as stated. Will vacate colliery premises within two week."

It is significant to note that the word "two" is a handwriting correction from the typed word "a". Although the workman made the correction in his writing yet he denied it falsely. If this passage had been subsequently interpolated by the management, there was no occasion for a correction and the typed wordings could have been "two weeks" and not "a week". Since the workman wanted more time to vacate the quarter, therefore he was allowed to correct the word "a" into "two". This is further supported by another endorsement dated 30th December, 1965, which is in the own writing of the workman and whereby he wanted more time for vacation of quarter by one month. It is recorded that "quarter will be vacated on 30th January, 1966, (Ex. E/1-D)." The gap between his signature and the space in which the writing under type is contained further demonstrates the falsity of the workman's statement. It is obvious that he signed the termination order on 16th December, 1965, having the above quoted passage already recorded and in which he accepted the termination as a discharge and further agreed to vacate the colliery premises within two weeks. As stated by the Manager, Sri Jain (E.W. 1), this passage could not be and was not at all necessary in the letter issued to the worker. Such an endorsement had to be

obtained in Ex. E/1, the office copy of the order, by way of his undertaking to obtain full and final payment and to vacate the quarter within a specified period.

8. The Manager has further explained why his resignation was not obtained. This was because by doing so, the workman would have been deprived of the employers contribution to the provident fund. In order to enable him to receive the same, the management agreed to reply to the Regional Provident Fund Commissioner in answer to a letter received on 2nd June, 1966 (Ex. W/1) filed by the workman that the discharge was by mutual consent. The Regional Provident Fund Commissioner had enquired from the management whether it was a case of retrenchment. Sri Jain has stated that in reply the Regional Provident Fund Commissioner was informed that as it was a discharge by agreement, the worker should be paid employers contribution in full. The Regional Provident Fund Commissioner made this enquiry because in the application of the worker there was a routine endorsement by the management that he left of his own accord. On the management replying to the Regional Provident Fund Commissioner that it was by mutual consent and he may be paid, the worker got the full payment of his provident fund. The workman concerned had received all his dues from the management as would appear from Exts. E/3, E. 4 and E. 5, the account and payment vouchers. It was obviously an after thought on the part of the worker conceived for the reason that as he had been paid compensation on retrenchment lines and because of the use of this term, the Regional Provident Fund Commissioner had made a query, the management should be required to treat the termination as a retrenchment. This obviously is an unworthy stand and should not have been supported by the Union. The termination of employment neither legally nor factually was retrenchment and was a clear case of discharge for which the management had a *bona fide* reason and for which there is requisite power under the Standing Orders (Ex. E. 6). More so, it was a discharge by mutual consent and as a matter of fact, the management in their anxiety to hush up the scandal were more generous than was necessary for them.

**Decision.**—The result is that the termination of employment of Sri Himmat Singh with effect from 16th December, 1965, was not retrenchment and therefore there is no question of any justifiability or otherwise in the matter. The workman is not entitled to any relief. The reference is answered accordingly. No order is made for costs.

Sd./- G. C. AGARWALA,  
Presiding Officer.  
9-2-1967.

[No. 5/39/66-LRII.]

*New Delhi, the 3rd March 1967*

**S.O. 794.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court (Central), Jabalpur, in the industrial dispute between the employers in relation to the Chandametta Colliery of Messrs Pench Valley Coal Company Limited (Managing Agents Messrs Shaw Wallace and Company Limited) Parasia, District Chindwara, Madhya Pradesh and their workmen which was received by the Central Government on the 27th February, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (CENTRAL)  
AT JABALPUR.

*Dated February 7, 1967*

**PRESENT:**

Sri G. C. Agarwala.—*Presiding Officer.*

REFERENCE No. CIT/LC (1)/1966 (JABALPUR)

REFERENCE No. CGIT-(81)/64 (BOMBAY)

In the matter of an Industrial Dispute between the employers in Relation to Chandametta Colliery of M/s. Pench Valley Coal Co., Ltd., (Managing Agents M/s. Shaw Wallace and Co., Ltd.) and their workmen.

**APPEARANCES:**

*For the employers.*—1. J. K. Chowdhry, Law Secretary, Central India Coal-fields Mining Assn. And S/Sri V. M. Thakrauney, Chief Personnel Officer and Sardar Ujagar Singh, Senior Labour Officer of the concern.

*For the workmen.*—1. Dr. Sita Parmanand, President, M.P. Rashtriya Koyla Khadan Mazdoor Sangh. 2. S/Sri D. H. Dharap and V. N. Dutta, General Secretary of the Union.

**INDUSTRY:** Coal.

**DISTRICT:** Chindwara (M.P.)

**AWARD**

By Notification No. 5/13/64-LRII dated 21st August, 1964, the following matter of dispute as stated in the Schedule to the order of reference was referred to Central Government Industrial Tribunal, Bombay. The proceedings remained pending before the said Tribunal from 27th July, 1964, to 24th September, 1966, whereafter it was transferred to this Tribunal by Notification No. 8/141/66-LRII dated 17th September, 1966:

**SCHEDULE**

- (1) Whether the management of Chandametta Colliery was justified in dismissing Shri Jhanka from service with effect from the 16th March, 1964?
- (2) If not, to what relief is the workman entitled?

The parties had filed their written statements before the Bombay Tribunal. Rejoinders were filed before this Tribunal after the proceedings were transferred.

The facts relating to the disputes are simple. M/s. Shaw Wallace among other collieries are proprietors of two collieries, one at Chandametta and the other at Barkuhi. Their administrative office is at Parasia. The workman concerned, Jhanka, was a Fireman in their Chandametta Colliery for 20 years. Another employee, Sukh Lal, who was also formerly employed in Chandametta Colliery had been transferred to Barkuhi Colliery as a Haulage Driver some three years before the incident. In the evening of 11th February, 1964 at about 4-30 p.m. there was an incident in front of the gate of Barkuhi Colliery. According to the management both these persons Sukh Lal and Jhanka assaulted Roshan Fitter of Barkuhi Colliery, whereas according to Jhanka there was scuffle only between Roshan and Sukh Lal and he was a mere bystander. On suspicion, however, he was implicated by Roshan and his witnesses and was produced before the Assistant Manager of the Barkuhi Colliery where he was kept confined in a room, lodged in police custody and was later on set off. The management considered the incident as misconduct on the part of the workman, Jhanka, and served a charge-sheet dated 17th February, 1964 calling upon him to submit his explanation. It may be noticed at this stage that the conduct was considered as a misdemeanour under clause 10(i) (n) of the old set of Standing Orders (Ex. M/4) which were framed in 1950. A new set of Standing Orders on the lines of the Model Standing Orders had, however, been framed and certified under the Industrial Employment (Standing Orders) Act 1956 on 15th October, 1963 (Ex. M/5). It is contended by the management that since an appeal had been filed by them, they thought that the Standing Orders though certified were not applicable and the old set of Standing Orders, 1950 were still in force and therefore they had charged the workman under the above stated clause of the old Standing Orders of 1950 (Ex. M/4). The workman, Jhanka, submitted his explanation denying the charge on 20th February 1964 (Ex. M-1/T). The management found the explanation unsatisfactory and by a notice dated 28th February, 1964 (Ex. M-1/A) intimated that an enquiry would be held on 2nd March 1964 at 10 A.M. in the Chandametta Colliery office. Sri C. P. Gulati (E. W. 1), Labour Welfare Officer of another colliery of the employers named, Jutachhapa, was appointed the Enquiry Officer. He conducted the enquiry on 2nd March, 1964. There is a serious conflict of versions between the management and the workmen as to when he was served with the notice of enquiry. According to the management, the workman, Jhanka, had been served with the notice on 29th February, 1964 and in proof of which they produced some evidence. The workman, however, maintained that he was served with the notice only on the date of enquiry during his duty hours and although he represented before the Enquiry Officer that he should be given proper time for his defence yet the Enquiry Officer denied him that facility and he was compelled to participate therein. In the enquiry, the Enquiry Officer recorded the statements of Roshan, the man concerned in the incident and three witnesses namely, Bhaiya Lal Overman, Arkh Lal Fitter and Shadul. He also recorded the statement of

Jhanka. He submitted a finding to the management on 3rd February, 1964, as a result whereof the Deputy Chief Mining Engineer passed an order dismissing the workman concerned, Jhanka, by an order dated 11th March, 1964. The Union represented to the management but to no avail. The matter was then taken up in conciliation which in due course has resulted in this reference.

It will be mentioned that Sukh Lal also seems to have been dismissed as a result of some separate enquiry as would appear from the conciliation failure report, copy of which had been received with the reference order. There is, however no reference regarding Sukh Lal.

The management before this Tribunal remained content by filing the record of enquiry proceedings which have been marked as Ex. M/1. The papers of the enquiry proceedings were got proved by the Enquiry Officer, Sri C. P. Gulati (E. W. 1) who proved papers Ex. M-1/A to M-1/I. They also examined a clerk, Sri C. R. Katarni (E.W. 2) to prove the fact that Jhanka had been served with the notice of enquiry on 29th February, 1964 and further produced a Peon Book having the relevant entry dated 29th February, 1964. No evidence was produced to justify the misconduct, in case for any reason the enquiry is vitiated. The workman on his part filed papers Exts. W/1 to W/6 and examined himself. There naturally was no occasion for him to disprove the alleged misconduct if the enquiry was vitiated.

The domestic enquiry suffers from a number of infirmities and cannot be called a *bona fide* and a fair enquiry. In the first place, it is obvious that Jhanka was served with the notice of enquiry only on the date of enquiry itself i.e. on 2nd March, 1964. That this was so is evident by the own admission on behalf of the management made before the conciliation Officer. The conciliation failure report records the stand both of the Union and the Management. For the case of Jhanka, the stand taken by the Union representative that he was served with the notice of charge-sheet while on duty, the following observation in the said conciliation failure report states the version of the management:—

"It is submitted that Shri Jhanka could be contacted to hand over this letter informing him the date of enquiry only on 2nd morning and he did not want any time whatsoever to produce any witness or documents if any."

It is thus clear that the service of the enquiry notice took place in the morning of 2nd. In view of this unequivocal admission of the employers representative in the conciliation proceedings against which no attempt had been made to explain before this Tribunal, the contention now pressed that he was actually served on 29th February cannot be believed. The fact is further made clear by averment made in the pleadings of the parties before this Tribunal. In the written statement filed by the Union, N. P. Rashtriya Koyala Khadan Mazdoor Sangh, it was categorically stated in paragraph 7 that the notice of the enquiry was handed over to Jhanka while on duty and was forced by the management to take part in the enquiry immediately. The enquiry was conducted during his duty hours and thus Shri Jhanka was not given proper opportunity to defend himself by giving the evidence in his defence. In the enquiry he requested the officer conducting the enquiry to give him sometime so that he may produce evidence in his support but he was not allowed to do so. The management filed their rejoinder before this Tribunal and this assertion has not been categorically controverted. It is inconceivable that the management would have failed to controvert this assertion made on behalf of the workman had it not been a fact. Curiously, in the written statement filed by the management themselves, they made a statement which is capable of no other meaning but to lead to the inference that Jhanka was served with the notice only on the 2nd of March. In paragraph 2 of the written statement, the management in the last sentence stated "as his explanation was not found satisfactory, the departmental enquiry was fixed on 2nd March, 1964 and he was accordingly advised through a letter on 28th February, 1964 to be present at the departmental enquiry". Following this, is the next paragraph No. 3 of the written statement which states "after handing over this letter informing therein the date for enquiry to be held on 2nd March, 1964 Shri Janka did not want any time whatsoever to produce any witness or documents, if any." Reading the two passages together the obvious inference is that he was handed over the letter of enquiry on 2nd March, 1964 and not on 29th February for which the evidence has now been tendered. This inference is further strengthened by the communication which was exchanged between the Union and the management after the dismissal of Jhanka. The Union by its letter dated 2nd June, 1964 (Ex. W/3) clearly mentioned that "he was served with the charge-sheet after 15 days, even on the date of enquiry he was on duty, he was called at about 10 A.M. where a letter of enquiry was given to him and was asked to attend enquiry. He was

not even given any time to produce any witness on his behalf." It is significant to note that the management sent a reply to the Union on 16th June, 1964 (Ex. W/5) and this assertion about the serious infirmity in the enquiry was again not controverted and denied. All that stated was that allegation that Jhanka was beaten, was baseless and "in fact it was Jhanka who threatened the Assistant Manager." For the enquiry, it was merely stated "Shri Jhanka was dismissed after a proper departmental enquiry was held." From this reply of the management, it is clear that the notice of the enquiry was served on the 2nd March and not earlier because had it not been a fact, the management would not have omitted to controvert the fact specifically in the reply. In the face of these glaring circumstances, the evidence of the management now tendered cannot be accepted. The direct evidence on the point is of Sri C. R. Katarni, clerk (E. W. 2) who produced the Peon Book and proved the entry dated 29th February, 1964. The signature of Jhanka is in pencil in the remarks column on the last page having entries for 29th February, 1964. Immediately after that page is the entry dated 2nd March, 1964. Jhanka is an illiterate person and stated that he was required to sign not on 29th February, 1964 but on 2nd March, 1964. It is evident that in order to create evidence of service on 29th February, 1964 his signature was obtained on the previous page. The whole entry is suspicious and does not inspire confidence. Sri C. P. Gulati, the Enquiry Officer, simply stated that he enquired from the Labour Welfare Officer of Chandametta Colliery and he informed him that the letter fixing date of enquiry had been issued. He himself did not care to find out when it was served. The statement of Jhanka is clear and specific. He stated that he was served with the notice during duty hours on 2nd March 1964 and he accepted the notice because he was warned by Jhalloo, Fitter, the person who went to call him that if he would not attend the enquiry, he would be charge-sheeted for this conduct of non-participation. If Jhanka had been served as he undoubtedly was with the notice on 2nd March, 1964 it is but natural in the normal course of conduct that he must have requested for time for his defence which was deliberately denied by the Enquiry Officer. The evidence of the Enquiry Officer, Sri C. P. Gulati (E. W. 1), therefore does not inspire confidence and he cannot be believed that Jhanka did not request him for time. As a matter of fact, as an independent Enquiry Officer, it was his duty to have taken necessary precaution to see that no prejudice was caused to Jhanka. He admitted that there was another person involved, Sukh Lal, in the incident but he made no attempt to find out what had happened in the case of Sukh Lal. The incident in which Jhanka and Sukh Lal were involved was one and the same transaction and if the Enquiry Officer had applied his mind so as to act impartially, he should have suggested to the management that the two enquiries should be conducted jointly and by one and the same Enquiry Officer.

Another vital breach in the enquiry was that Jhanka was not allowed the assistance of a helper in the enquiry. The certified Standing Orders of 1963 specifically states in Clause 18(ii) that "the workman may take the assistance of a co-worker to help him in the enquiry if he so desires." No such offer was made to Jhanka in the enquiry and if the Enquiry Officer had been fair to make the offer, it is but natural to expect that Jhanka would have availed of the opportunity thereof. The record of the enquiry shows that except for putting one question to one witness, Jhanka being illiterate naturally did not cross-examine any witness. On the other hand, the Enquiry Officer put a few questions to Jhanka in cross-examination. It is manifest that the Enquiry Officer was behaving more as a representative of the management in the enquiry rather than as a fair and impartial person.

Apart from this, Jhanka has had no knowledge what would be the evidence against him in the enquiry. As a matter of fact, he was confronted with Roshan and three other witnesses in the evidence and has had no previous notice so as to prepare himself for cross-examination of the witnesses. The report on the basis of which he was charge-sheeted was at no time communicated to him. The charge-sheet merely states that on a particular day and time he assaulted Roshan causing injuries. On what basis that charge-sheet was based was at no stage communicated to him. It, therefore, operated prejudicially to the workman so to require to defend himself without knowing on what basis he was being charge-sheeted. The Hon'ble Supreme Court in *Moonglas Tea State Vs. Its workmen*, reported in 1963-II-LLJ, p. 392 observed as a requirement of natural justice that "It is an elementary principle that a person who is required to answer a charge must know not only the accusation but also the testimony by which the accusation is supported. He must be given a fair chance to hear the evidence..... and to put such relevant questions by way of cross-examination as he desires. Then he must be given a chance to rebut the evidence led against him. This is the barest requirement of an enquiry of this character and this requirement must be substantially fulfilled before the result of the enquiry can be accepted. A

departure from this requirement in effect throws the burden upon the person charged to repel the charge without first making it out against him. Again the Hon'ble Supreme Court in *Associated Cement Companies, Ltd. Vs. their workmen* and another, reported in the same volume (1963-II LLJ p. 346) made a pertinent observation that "It is true that domestic enquiries need not be conducted in accordance with the technical requirements of criminal trials, but they must be fairly conducted and in holding them considerations of fairplay and natural justice must govern the conduct of the enquiry officer". In the same passage an important observation is expressed on the question of the fairness of the enquiry that "as we have repeatedly emphasised, domestic enquiries must be conducted honestly and bonafide with a view to determine whether the charge framed against a particular employee is proved or not and so care must be taken to see that these enquiries do not become empty formalities." In the present case the manner in which Enquiry Officer discharged his function and fulfilled the duty merely amounted to a show of enquiry and made it an empty formality. In this very case about due notice for the date of enquiry the Hon'ble Supreme Court made the following very material observation

"It may be that failure to intimate to the workman concerned about the date of the enquiry may, by itself, not constitute an infirmity in the enquiry, but on the other hand, it is necessary to bear in mind that it would be fair if the workman is told as to when the enquiry is going to be held so that he has an opportunity to prepare himself to make his defence at the said enquiry and to collect such evidence as he may wish to lead in support of his defence. On the whole, it would not be right that the workmen should be called on any day without previous intimation and the enquiry should begin straight way. Such a course should ordinarily be avoided in holding domestic enquiries in industrial matters."

In the light of the above observations when the workman concerned had no previous notice of the enquiry the way in which he was confronted with the charge sheet without his knowing the basis and the evidence likely to be tendered against him, the denial of the assistance of a helper and the fact that he was allowed no opportunity to produce his evidence are clear prejudices of the principle of natural justice in the conduct of the enquiry.

Last but not the least in importance is a vital defect which vitiate the whole enquiry proceedings. The workmen had been charged under the old Standing Orders of 1950 which were no longer in force. The relevant clause of old Standing Orders for which he had been charge-sheeted was 10(i) (h) which states "riotous or disorderly behaviour on the Mine or any act subversive of discipline". The management took the incident at another colliery of theirs as an act subversive of discipline. Whether this should be so or not when the scuffle was between two employees as a private affair is itself a doubtful proposition. The new set of Standing Orders which were in force and had been certified in 1963 brought the act beyond the scope of any relevant clause of the Standing Orders. In the current Standing Orders of 1963 (Ex. M/5) clause 18(i) (e) modified the old misdemeanour and defined the misconduct as "drunkenness, fighting or riotous, disorderly or indecent behaviour, at the premises of the mine". The last words "at the premises of the mine" are significant. It would be a misconduct only if the occurrence has been at the premises where the workers are employed. Anything beyond that would not be covered as a misconduct under the Standing Orders. As quoted in *Agnani Vs. Badridas and others*, reported in 1963 (I) LLJ, p. 684, at page 691 "when Standing Orders were framed, there is no difficulty because they define misconduct. In the absence of standing orders, the question will have to be dealt with reasonably and in accordance with commonsense." What would constitute misconduct in the absence of Standing Orders was illustrated in the preceding passage of the paragraph of the ruling. In the present case, the Standing Orders are clear and specific and therefore the management cannot take the conduct beyond the provisions of the Standing Orders. As observed in *Central India Coal Field, Ltd., Calcutta and Ram Bilas Shobnath*, reported in 1961 (I) LLJ, p. 546, normally the Standing Orders would apply to the behaviour on the premises where the workmen discharge their duties and during the hours of work. Even in a quarrel beyond the premises and the working hours, if there is a rational connection with the employment that could be considered only if the provisions of the Standing Orders are wide and general as was in the case under ruling. In the instant case, the clause has been restricted to the misconduct as stated in the premises of the mine. The words "premises of the mine" would obviously refer to the place of employment of the workmen and which in this case would mean Chandametta Colliery. The incident which took place was in Barkuhi Colliery. The fact that it belongs to the

same management would not make any difference so far as the interpretation of the workings of the relevant clause of the Standing Orders is concerned. The management could not charge-sheet Jhanka under the old set of the Standing Orders when the new set had been certified even if they had filed an appeal, as is contended but for which there is no evidence. That would not mean that the Certified Standing Orders of 1963 were not the current ones and had not superseded the earlier ones. Under the current Standing Orders of 1963, the incident is not covered by the relevant clause.

On behalf of the management, two Supreme Court cases were mentioned in their rejoinder at page 5 and although pleading is not the proper place to cite cases yet I have seen these rulings. They are *Indian General Navigation and Railway Company, Ltd., and another Vs. their workmen*, reported in 1960 (1) LLJ p. 13 and *Bata Shoe Co. Private Ltd. Vs. Ganguli*, reported in 1961 (1) LLJ p. 303. None of these cases have any relevancy. The former case relates to an illegal strike. The latter case of Bata Shoe Co., as a matter of fact, is an authority against the management itself inasmuch as there was no proper service of the charge-sheet held in the ruling by publication in newspaper.

### *Decision*

The result of the above discussion is that the order of dismissal against Jhanka is clearly vitiated. He shall be reinstated within one month from the date of the publication of the award and shall be entitled to all the back wages. The Union, M.P. Rashtriya Koyla Khadan Mazdoor Sangh will be entitled to Rs. 100 as costs of the proceeding.

(Sd.) G. C. AGARWALA,  
Presiding Officer.

7-2-1967.

[No. 5/18/64-LRII.]

*New Delhi, the 4th March 1967*

**S.O. 795.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Calcutta, in the industrial dispute between the employers in relation to the Ardhogram Khas Colliery, Post Office Ardhogram, District Bankura and their workmen which was received by the Central Government on the 25th February, 1967.

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, CALCUTTA

REFERENCE No. 16 of 1966

#### PARTIES:

Employers in relation to the Ardhogram Khas Colliery.

AND

Their workmen.

#### PRESENT:

Shri S. K. Sen—Presiding Officer.

#### APPEARANCES:

*On behalf of employers:* Shri Indu Bhusan Guha Neogi appeared on 31-10-66 and 13-12-66 but on 21-2-67 one Shri S. N. Mishra, Part-time Labour Advisor appeared without authority after argument on behalf of workmen was over.

*On behalf of workmen:* Shri Parimal Das Gupta



STATE: West Bengal.

INDUSTRY: Coal Mines.

### AWARD

By Order No. 6/15/65-LR.II dated 3rd April 1965, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Ardhogram Khas Colliery, P.O. Ardhogram, Dist. Bankura and their workmen in respect of the subject matter mentioned in the following schedule:

"Whether the dismissal from service of the following 8 workers with effect from the 16th October, 1964 by the management of Ardhogram Khas Colliery was with a view to victimise the workers for their trade union activities and if so, to what relief are they entitled?"

Name	Designation
1. Shri Fanindra Nath Rai	Munshi
2. Shri Manindra Nath Dahari	Attendance clerk.
3. Shri Sheonandan Singh	Munshi
4. Shri Ram Sakal Singh	Magazine Guard
5. Shri Ramadhar Singh	Munshi
6. Shri Ram Chandra Yadav	Magazine Guard
7. Shri Monohar Singh	Despatch clerk
8. Shri Sunil Kumar Mukherjee	Attendance clerk."

2. Two of the workmen dismissed namely Shri Ram Sakal Singh and Ram Chandra Yadav were Magazine Guards. According to the evidence the magazine guard has to remain in charge of the gun powder and dynamite received in stock and has to issue the same according to requisitions to workmen for blasting work. Three of the workmen, namely, Fanindra Nath Roy, Sheonandan Singh and Ramadhar Singh are munshis. The duty of the Munshi is to note the number of tubs filed by individual coal cutters and to prepare a daily report thereon. Two of the workmen namely, Manindra Nath Dahari and Sunil Kumar Mukherjee were attendance clerks and one namely Monohar Singh was Despatch clerk. The facts of the case are briefly as follows:

On 1st October 1964, 5 of the workmen, namely No. 2 Manindra Nath Dahari, No. 3 Sheonandan Singh, No. 4 Ram Sakal Singh, No. 5 Ramadhar Singh and No. 6 Ram Chandra Yadav were served with the orders, Ext. 2 to 2D, informing them that by the order of the Head Office they were transferred with immediate effect to the Head office at Jharia and they should report at the Head office. They were also informed that if they were not prepared to go to the Head office, they would be dismissed from 2nd October 1964. The 5 workmen however did not comply with the order. Ext. 3 shows that on the same day, 1st October 1964, they wrote to the manager asking for a copy of the letter from Head office according to which the transfer orders had been made and there was a demonstration by many of the workmen in the same evening. Ext. 4 shows that on 2nd October 1964 they sent an information to the Officer-in-charge of Mejia Police station, with copy to the Sub-divisional Officer, Bankura and other authorities, that the management of Ardhogram Khas colliery had got 7 or 8 outsiders who were terrorising the workmen with lathis and other weapons. On 2nd October 1964 the 5 workmen also wrote to the manager protesting against the order of transfer and alleging that this was victimisation for their refusal to give up union membership. They called upon the manager to withdraw the transfer orders and threatened that they would be compelled to take necessary action for redress of their grievances. Ext. 6 dated 3rd October 1964 is a letter signed by the manager, Shri S. Dutta, addressed to the 5 workmen by which he withdrew the orders of transfer and asked them to report immediately for duty at Ardhogram Khas colliery. It may be mentioned that at the departmental enquiry which followed the manager, S. Dutta, gave evidence, stating that on 3rd October 1964 in the morning these 5 workmen accompanied by a few others came into his office and demanded that the transfer order be withdrawn, and that when the manager stated that he had referred the matter to Jharia and would not do anything without further instruction from Jharia, they became furious and insulted him in filthy language and threatened him with serious consequences; and finding no other alternative he was compelled to withdraw the transfer orders. The next orders of transfer to report at Jharia were issued not by the manager but by the Director, Shri R. P. Agarwalla from his Jharia office. These orders are Exts. 8 series dt. 6th October 1964 and the 5 workmen were informed that the management had decided to transfer them from the colliery office to Headoffice at Jharia and asked them to report for duty at Jharia. No. 2.

Manindra Nath Dahari, No. 3 Sheonandan Singh and No. 5 Ramadhar Singh were directed to report at Jharia on 19th October 1964 but in the meantime they were asked to attend at the Jharia office on 8th October 1964 in order to assist at the verification of certain records. No. 4 Ram Sakal Singh and No. 6 Ram Chandra Yadav were directed to join their duty at Jharia by 13th October 1964. On the same day orders were also issued on the 3 remaining workmen, No. 1 Fanindra Nath Rai, No. 7 Monohar Singh and No. 8 Sunil Kumar Mukherjee informing them that since G. Roy had resigned it was necessary to verify the records and books of accounts, and requiring them to attend at the head office at Jharia on 8th October 1964. Again, however, all the workmen including Nos. 1, 7 and 8 failed to comply with the order. Workmen Nos. 2 to 6 sent the letters, Ext. 9 and 9D protesting against the arbitrary transfer orders and alleging that the transfer orders were mala fide and amounted to victimisation because of trade union activities by these workmen. They also demanded that the transfer orders be withdrawn. The other three workmen wrote more polite letters, Ext. 9A, 9B and 9E, stating that they were working as munshis or attendance clerk or despatch clerk as the case might be and they had nothing to do with books of accounts. The Director, R. P. Agarwalla replied on 10th October 1964 to all these letters, vide Ext. 10 series. Fanindra Nath Rai, Monohar Singh and Sunil Kumar Mukherjee were told that the reason given by them for not attending at Jharia head office on 8th October 1964 was not satisfactory and that their presence was necessary to explain discrepancies noticed in various registers and papers, and they were given the opportunity to attend at Jharia office for the purpose by 13th October 1964, stating that failure to comply with the order would be at their own risk. The other 5 workmen were informed that the management emphatically denied that the transfer orders were arbitrary or mala fide or amounted to victimisation for alleged trade union activities and that the transfer to the Head office which was under the same management was definitely legal, and that the wages and other conditions of service would not be altered to their disadvantage and they would be paid transfer charges plus 50 per cent thereof to meet the incidental charges and that if they failed to join Jharia as directed, the management would be compelled to take necessary action. Workmen Nos. 2, 3 and 5, whose joining date was 19th October 1964 were asked to attend at Jharia to assist verification of records on 13th October 1964. In spite of these letters, however, none of the 8 workmen attended at or reported for duty at the Head office at Jharia; on 11th October 1964, on receiving the Director's letters, they along with other workmen held another noisy demonstration against the Management. Thereafter on 16th October 1964 chargesheets were drawn up against the 8 workmen and served on them between 17th and 21st October. Enquiry was held on 24th October 1964 against workmen Nos. 2 to 6 and on 25th October 1964 against workmen Nos. 1, 7 and 8. The enquiry was held by Shri Indu Bhushan Guha Neogi, part-time Labour officer. He submitted one report concerning No. 4 Ram Sakal Singh and No. 6 Ram Chandra Yadav on 26th October 1964, and another report concerning No. 2 Manindra Nath Dahari, No. 3 Sheonandan Singh and No. 5 Ramadhar Singh on the same date. He found the charges proved against them and recommended dismissal. Against No. 1 Fanindra Nath Rai, No. 7 Monohar Singh and No. 8 Sunil Kumar Mukherjee, he also submitted his report on 26th October 1964. He found the charges proved, and in the case of Fanindra Nath Rai and Monohar Singh he recommended dismissal. In the case of Sunil Kumar Mukherjee he recommended that a lenient view might be taken because there were certain extenuating circumstances, for his wife was seriously ill and 3 other members of his family were also ill and he had joined the demonstrations on 1st October and 11th October out of fear of the other workmen. The Director, R. P. Agarwalla, however passed order of dismissal in respect of all the 8 workmen in similar terms. The orders were passed on 30th October 1964 and dismissal was made with effect from 16th October 1964, the date on which the chargesheets were drawn up. Before the order of dismissal was passed, the workmen had submitted complaints that the enquiries were not properly held and that the enquiring officer had recorded statements as directed by the newly recruited incharge of the colliery, i.e. Durga Prasad Singh who was appointed by the Directors after Gopeswar Roy had resigned. After the orders of dismissal were passed, the workmen moved their union, the Colliery Mazdoor Sabha, and Robin Chatterjee, the Vice-President of the Colliery Mazdoor Sabha made a complaint to the Conciliation Officer, Central, Raniganj vide dt. 6th November, 1964, Ext. 18.

3. In the written statement filed on behalf of the workmen the union claimed that action of the management in proceeding against and dismissing the 8 workmen was due to victimisation as they were all active and leading members of the Colliery Mazdoor Sabha unit at the colliery, and claimed reinstatement. No written statement was filed on behalf of the management, but the management's case was set out by the colliery-in-charge Shri Durga Prasad Singh, who deposed at length as the only witness for the management. He proved the records of the domestic

enquiry and claimed that the enquiry was held properly and denied the suggestion that the labour officer Guha Neogi had recorded the statements to his dictation.

4. On behalf of the workmen it has been urged by Shri Parimal Das Gupta that the transfer orders were bad because no reason was given and no reasonable time was given for joining, and further because there was no colliery at Jharlia under the same ownership and therefore the conditions of service at Jharlia would necessarily be different from conditions of service at the colliery office, and the management could not change the conditions of service except under provisions under Section 9A of the Industrial Disputes Act, i.e. without 21 days notice. The Ardhogram Khas colliery has yet not fixed Standing Orders of its own, as the management's witness admitted; the colliery has submitted its Standing orders for approval but the approval has not yet been received. Shri Parimal Das Gupta produced Standing Orders of neighbouring collieries of the Samla group, and has referred to paragraph 17 which is as follows "All workmen are liable to be transferred in the exigencies of work from one department to another or from one station to another or from one coal mine to another under the same ownership, provided that by reason of such transfers the wages and other conditions of service of the workmen are not altered to their disadvantage and provided further that reasonable notice is given of such transfers. The workmen concerned shall be paid the actual transport charges plus 50% thereof to meet incidental charges." It is clear from the above that reason for the transfer does not have to be explained, but if the Management considers the transfer necessary in the exigencies of work he can make an order of transfer as mentioned in the above paragraph. Admittedly the Jharlia office and the Ardhogram Khas colliery Head office are under the same ownership. The first orders of transfer on 5 of the workmen, namely Ext. 2 series, did not give reasonable time for joining but this order was withdrawn and the subsequent transfer orders on 5 of the workmen, namely Ext. 8 series, give them sufficient time, i.e., from 7 to 13 days. Moreover, when they protested against the transfer they were assured by the letters, Ext. 10 series, dt. 10th October 1964, that the conditions of service would not be changed and they would get the cost of transfer plus 50% extra as provided in the above paragraph. In the circumstances the revised orders of transfer must be held to be perfectly legal and there is no reason to think that they were arbitrary or mala fide or intended as victimisation because of the union membership of the 5 workmen. It has no doubt been urged that after they had reported at Jharlia, they would have been discharged or retrenched, as there was no work which could be given to them at the Jharlia office. But this is a mere surmise; the workmen should have gone to Jharlia, particularly after the Director's explanatory letters of 10th October 1964, and if they were then retrenched, they would have had a good case for reinstatement or compensation. As regards the other 3 workmen, they were merely asked to attend at the Jharlia Head office to explain certain accounts on the 8th October 1964 and thereafter on 13th October, 1964, and there does not appear to be any valid reason for their refusing to comply with the order. There appears to have been a spirit of insubordination among the workmen of the colliery and the manager, S. Dutta, in his evidence at the domestic enquiry gave some reason for this. He said that in September 1964 the head office issued instructions stopping payment to monthly paid staff as they detected some excess payment and records were being verified by the Head office, but Shri Gopeswar Roy pressed Shri N. Sharma, Cashier and he himself made the payment for the month of August 1964 in disregard of the Head office instructions, and the attitude of Shri Gopeswar Roy encouraged the workmen to disregard the manager's instructions and also to disobey the supervising staff; and after the resignation of Shri Gopeswar Roy on 26th September 1964, the attitude of the workmen became worse. Shri Parimal Das Gupta has referred to the union's case that the management obtained 7 or 8 outsiders with lathis in order to intimidate the workmen. The suggestion that 7 or 8 outsiders armed with lathis or other weapons were brought in was denied by Shri Durga Prasad Singh for the management who however admitted that 3 chaprasis were brought from head office after he had joined at Ardhogram Khas colliery office on 1st October 1964. It is no doubt true that the union or workmen lodged certain complaints to the Police station about threat of violence, but the management also made similar complaints against the workmen; Shri D. P. Singh said that Niranjan Sharma, the cashier, was beaten up by some workmen on one day and for this a report was made to the Police station. Shri D. P. Singh also stated that on 1st October 1964, 100 or more workmen gathered and paraded about shouting slogans, threatening the management and thereafter on 6th October there was again such an assembly. In the chargesheets reference was made to such assemblies on 2 days, namely 1st October and 11th October, and there was evidence in support of this charge. There is no substance in the objection based on Section 9A of the Industrial Disputes Act, as there was no change in the conditions of service. The argument that there was no colliery working at Jharlia is immaterial. Shri D. P. Singh said that in fact there

is a colliery at Jharla under the same ownership, but it was not working. The colliery at Ardhogram Khas was also not working at the particular time, because under the order of the Mines Department the colliery at Ardhogram Khas used to remain closed from 15th June to 30th September every year and in 1964 the working was not resumed until 20th November 1964 because of trouble with the workmen.

5. Shri Parimal Das Gupta has next urged that in the chargesheets served on 5 of the workmen, reference was also made to disobedience to the order of transfer dated 1st October 1964 and he urged that this was bad because the transfer order of 1st October 1964 was subsequently withdrawn by the manager. Paragraph 1 of the chargesheet recites the whole history of flouting orders, beginning from the order dated 1st October 1964; it refers also to the protest letters of the workmen dated 8th October 1964 against the orders of 6th October 1964 and the Director's explanatory letters dated 10th October 1964, and proceeds to state that the workmen neither replied to the Director's letters dated 10th October 1964 nor complied with his order. It may be taken that the first charge really related to the disobedience to the final order of transfer or attendance at Jharla in spite of the Director's explanatory letters. Accordingly, I do not find substance in the contention that the first charge is bad because it contains reference to the orders of 1st October 1964 which were withdrawn. I should add that the Inquiring officer's reports show that he too understood the first charge as indicated above.

6. Next, Shri Das Gupta has urged that the enquiry was not proper because the enquiring officer's report did not mention the names of witnesses whom he had examined, and in the record of depositions of witnesses, Ext. C there are certain depositions without any date and there is one deposition, viz. that of Shri Manik Chandra Pal bearing the date 12th November 1964 while the enquiries were held on 24th October 1964 and 25th October 1964. The omission to give names of witness in the report cannot be regarded as irregularity vitiating the enquiry and as regards Manik Chandra Pal's deposition bearing the date 12th November 1964, it must be a mistake because the reports were all submitted on 26th October 1964. Shri Das Gupta's suggestion is that some of the depositions must have been taken after the inquiry, for showing before the Conciliation officer that there were sufficient evidence in support of the charges. If that were so, the Management would have been more careful.

7. Lastly, it has been urged that dismissal with retrospective effect is bad and in support of this contention reference has been made to a decision of the Calcutta High Court, 1961 II LLJ 283 (Sudhir Ranjan Halder Vs. State of West Bengal) where it is observed that suspension or dismissal or removal from service with retrospective had always been condemned by the court as illegal and invalid. That decision however relates to a case concerning a Government employee, in respect of whom the disciplinary rules are stricter. Regarding industrial employees, they can be dismissed with effect from the date of suspension when the charge is proved, provided that there is such a provision in the Standing Orders. But no copy of even the draft Standing Orders of Ardhogram Khas Colliery has been produced. So the dismissal should have been given effect from the date of the order. This defect may however be rectified by directing that the order of dismissal shall take effect from the date of the order, 30th October 1964, and the workmen shall be entitled to whatever pay and allowances they are entitled to between 16th October 1964 and 30th October 1964. In view of the conduct of the workmen concerned, I do not think that they are entitled to reinstatement. Moreover, the colliery has closed down from 30th September 1965 and therefore in this case an order of reinstatement would be meaningless. An order for compensation for loss of employment could no doubt have been passed, but as indicated before in view of the conduct of at least 7 of the 8 workmen, I do not think that they are entitled to such an order. As regards Sunil Kumar Mukherjee, the enquiring officer no doubt recommended a lenient order but since the director-in-charge did not make any distinction between the workmen, I do not think that the tribunal is entitled to make a different order in respect of him.

8. I therefore find that the dismissal from service of the 8 workmen by the management was not with a view to victimise them for their trade union activities, but the order was bad in so far as it directed retrospective dismissal and the same is rectified by directing that the dismissal shall take effect from the date of the

order, 30th October 1964, and that the workmen will receive such wages and allowance for the period between 16th October and 30th October 1964 as they are entitled to. The union will receive Rs. 32 which was ordered as adjournment cost on 16th January 1967, unless the amount has already been paid.

No further order is made for cost.

Dated, 23rd February 1967.

Sd/ S. K. SEN,  
Presiding Officer.  
[No. 6/15/66-LRII.]

**S.O. 796.**—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2 Calcutta, in the industrial dispute between the employers in relation to the Ardhogram Khas Colliery (Post Office Ardhogram, District Bankura) and their workmen, which was received by the Central Government on the 28th February, 1967.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, CALCUTTA.

REFERENCE No. 61 of 1966

## **PARTIES:**

Employers in relation to the Ardhogram Khas Colliery,

AND

Their workmen.

## **PRESENT:**

Shri S. K. Sen.—*Presiding Officer.*

## **APPEARANCES:**

*On behalf of Employers.*—Shri Indu Bhasan Guha Neogi was present on 31st October, 1966, and 13th December, 1966. Shri S. N. Misra, Part-time Labour Adviser appeared at about 1-00 P.M. without any authority after argument for the workmen was over, on 21st February, 1967.

*On behalf of Workmen.*—Shri Parimal Das Gupta.

STATE: West Bengal.

INDUSTRY: Coal Mines.

## **AWARD**

By Order No. 6/20/65-LRII dated 7th October, 1965, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Ardhogram Khas Colliery, P.O. Ardhogram, Distt. Bankura, and their workmen in respect of the subject matter mentioned in the following schedule:

(1) Whether the action of the management of Ardhogram Khas Colliery in retrenching all or any of the seven female loaders mentioned below on and from the 1st November, 1964, is legal and justified?

1. Shrimati Robi Baurin.
2. Shrimati Surari Baurin.
3. Shrimati Bani Machian.
4. Shrimati Josbi Majhian
5. Smt. Pati Baurin.
6. Smt. Sundra Baurin.
7. Smt. Labi Baurin.

(2) If not, to what relief are the loaders or any of them entitled?

2. According to the case of the union on behalf of the workmen, the services of the 7 workers were terminated because they gave evidence before the Labour Inspector, Central, Raniganj on 20th October, 1964, when he came on inspection that they were not receiving full payment, and that the termination of service was otherwise illegal as the management was following a policy of retrenching the old workers and taking temporary workers in their places. The union claimed reinstatement in respect of all the 7 female loaders.

3. On behalf of the management no written statement was filed, but the case of the management was set out at the hearing by Shri Durga Prasad Singh, Colliery-in-charge from 1st October, 1964. His case was that these 7 women were engaged temporarily from 7th September, 1964, in order to level the places where coal was stacked before being loaded in lorries and trucks because in the rainy season that place had become pitted and uneven; and the work was nearly complete in the last week of October and was expected to be completed by 31st October and accordingly they were served with 7 days' notice on 24th October, 1964, and their services were terminated on and from 2nd November, 1964. It should be stated that 1st November, 1964, was a Sunday and therefore the last working day for the 7 women workers was 31st October, 1964, and they were asked to collect their dues from the cashier of the colliery on 31st October, 1964.

4. For the union, apart from the Vice-President, Shri Robin Chatterjee two of the workers were examined, namely Smt. Joshi Majhin and Labi Baurin. They claimed respectively to have been working continuously for the last 8 and 7 years. They stated that other women had also been in service from long before September, 1964. According to Joshi Majhin's evidence, Bali Mochian and Sundra Baurin had been working for 10 years, Susari Baurin for 6 years, Robi Baurin for 8 years and Pati Baurin for 5 years. According to the management's case, the colliery was closed every year under the order of the Mines Department from 15th June to 30th September. These women admitted that raising of coal from mine was discontinued for 2/3 months during the rainy season; but they claimed that they were kept on because they were surface loaders and their work in connection with coal already raised and stacked on the surface continued. In order to prove that they had been engaged only from 7th September, 1964, Durga Pada Singh relied on the entries in the B form register, marked Ext. A in the hand-writing of one N. C. Chatterjee, the register keeper. But he admitted that as he had joined the colliery on 1st October, 1964, he himself could not say from his personal knowledge when they had been engaged. He also admitted in cross examination that while it was the practice to discharge the workers about the middle of June every year and re-employ those who reported for duty on the 1st October when the working was resumed, he could not say whether women loaders were also retrenched when the mine was closed and reappointed when the mine was opened. He also said that he did not know whether there was any female loader working at the colliery before 7th September, 1964. Thus, Durga Prasad Singh was not in a position to challenge the assertion by two of the women workers that they had been continuous service and even kept on during the period when work underground in the mine was stopped during the rainy season. Mere entries in the B form register about which Durga Prasad Singh had no personal knowledge cannot be said sufficient to rebut the evidence of the 2 workmen. If they had been purely temporary workers engaged for levelling the stacking ground, it would not have been necessary to give them notices of discharge. Accordingly, I must accept the contention of the union on behalf of the 7 women loaders that the termination with one week's notice only without retrenchment compensation was bad. Labi Baurin admitted that she and other women workers did not make any contribution to the Provident Fund. Durga Prasad Singh said that there were some workers at the colliery who contributed to the Provident fund. This however does not necessarily show that the women workers were not in continuous employment. No witness having knowledge of the facts before 1st October, 1964, was examined on behalf of the management, and there is the allegation on behalf of the union that the registers at the colliery office were not properly kept. Moreover, Durga Prasad Singh gave no denial to the assertion of the 2 workmen that in October, 1964, when the mine Inspector came to the colliery they had complained to him and that as a result of the consequent direction by the Mining Inspector, they got more pay from the week following the Mine Inspector's visit.

5. Shri Parimal Das Gupta has also urged that if the women were retrenched, the Management should have followed the procedure for retrenchment and discharged only the junior-most workers of the category and there is nothing to show that this was done. As to this point, however, there is the admission of Joshi Majhin that these 7 women workers were last women workers of the category and the other women workers of the category had already been discharged before. There is therefore no substance in this contention of Shri Das Gupta.

6. Shri Das Gupta has claimed reinstatement on behalf of the 7 women loaders but it appears from the evidence which is unchallenged that the colliery has been closed from 30th September, 1965. Accordingly, there would be no point in passing an order of reinstatement. An order for paying compensation as for retrenchment would in my opinion, serve the ends of justice in this case. As

to the period of work put in by each women workers, there is only the oral testimony of Joshi Majhin. The records of the colliery would not be useful in the present case as it appears from the papers filed before me that some of the records are missing. In the circumstances, an order for 3 (three) month's average pay as compensation for loss of employment would in my opinion serve the ends of justice, as an order for payment of compensation under Section 26F of the Industrial Disputes Act would not be workable.

7. I therefore find that the action of the management of Ardhogram Khas Colliery in retrenching the 7 female loaders, viz:

1. Smt. Robi Baurin.
2. Smt. Susari Baurin.
3. Smt. Bali Mochian.
4. Smt. Joshi Majhin.
5. Smt. Pati Baurin.
6. Smt. Sundra Baurin.
7. Smt. Labi Baurin.

on and from 1st November, 1964, was not legal because no retrenchment compensation was paid to them, and I direct that compensation for loss of employment equal to 3 (three) months' average pay be paid to them by the management within one month from the date of publication of award.

*Dated, 23rd February, 1967.*

Sd/- S. K. SEN,  
Presiding Officer.

[No. 6/20/65-LRII.]

## ORDERS

*New Delhi, the 18th February 1967*

**S.O. 797.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sarpi Kajora Colliery Post Office Ukhra (Burdwan) and their workmen in respect of the matters specified in the Schedule hereto annexed;

**And,** whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2 Calcutta, constituted under section 7A of the said Act.

## SCHEDULE

Whether the dismissal of Shri Balchand Harijan, Loader of Sarpi Kajora Colliery with effect from the 21st August, 1966, was an act of victimisation for trade union activities? If so, to what relief is he entitled?

[No. 6/97/66-LRII.]

*New Delhi, the 3rd March 1967*

**S.O. 798.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Samla Ramnagar Colliery (Messrs Samla Collieries Limited) Post Office Pandaveshwar, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

**And,** whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2 Calcutta, constituted under section 7A of the said Act.

**SCHEDULE**

Whether the termination of employment of the following workers with effect from the 29th August, 1966, by the management of Samla Ramnagar Colliery, Post Office Pandaveshwar was justified?

1. Shri Triloki Tanti, Underground Loader.
2. Shri Biro Kumhar, Underground Loader.
3. Shri Churaman Tanti, Underground Loader.
4. Shri Kamash Chammer, Underground Loader.

If not, to what relief are the workmen entitled?

[No. 6/104/66-LRII.]

**S.O. 799.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Nag's Kajora Jambad Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the following Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2 Calcutta, constituted under section 7A of the said Act.

**SCHEDULE**

Whether the retrenchment of the following workers by the management of Nag's Kajora Jambad Colliery with effect from the 14th January, 1967, is justified?

1. Shri Sriekbal Pandey, Peon.
2. Shri Kaloc Salke, Peon.
3. Shri Rajeshwar Tiwari, Peon.
4. Shri Sant Ram, Loader.
5. Mukhlal Singh, Loader.
6. Shri Rambali Singh, Loader.
7. Deokaran Ahir, Loader.
8. Shri Karmu Sahis, Loader.
9. Shri Manu Lal Passy, Loader.
10. Shri Dujoy Ram, Loader.
11. Shri Rambagas, Loader.
12. Shri Sudha Ram, Loader.
13. Shri Sandeo Rajbhar, Loader.
14. Shri Mahesh Yadav, Loader.
15. Shri Jakhu Yadav, Loader.

If not, to what relief are they entitled?

[No. 6/18/67-LRII.]

*New Delhi, the 4th March 1967*

**S.O. 800.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pootkee Colliery (Post Office Kusunda, District Dhanbad) of Messrs Bhowra Kankanee Collieries Limited, Thapar House, 25, Brabourne Road, Calcutta-1, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.



SCHEDULE

1. Whether the management of Pootkee Colliery (Post Office Kusunda, District Dhanbad) of Messrs Bhowra Kankanee Collieries Limited, Thapar House, 25, Brabourne Road, Calcutta-1 was justified in dismissing from service Shri Deo Singh Miber, with effect from the 1st September, 1966? If not, to what relief is the workman entitled?
2. Whether the management of Pootkee Colliery (Post Office Kusunda, District Dhanbad) of Messrs Bhowra Kankanee Collieries Limited, Thapar House, 25, Brabourne Road, Calcutta-1. was justified in terminating the services of Shri Surjoo Kunihar, Timber Mistry with effect from the 8th June, 1966? If not, to what relief is the workman entitled?

[No. 2/28/67-LRII.]

**S.O. 801.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Selected Kajora Jambad Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal No. 2, Calcutta, constituted under Section 7A of the said Act.

SCHEDULE

Whether the refusal to employ the following workers with effect from the 29th November, 1966 by the management of Selected Kajora Jambad Colliery was justified?

1. Shri Basudeo Gowala,	Clipman,
2. Shri Indrapal Kolri	U/G Trammer.
3. Shri Futu Kolri,	U/G Trammer.
4. Shri Ramsurat Gwala	U/G Trammer.
5. Shri Kanhai Kolri	U/G Trammer.
6. Shri Ram Nehore Kolri	U/G Trammer.
7. Shri Nanhu Kolri	Sf. Trammer
8. Shri Ram Murat Gwala	Sf. Trammer.

If not, to what relief are they entitled?

[No. 6/20/67-LRII.]

*New Delhi, the 6th March 1967*

**S. O. 802.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Gonshadih Colliery of Shri Prabhudayal Agarwala, Ex-Managing Contractor/Messrs. Raneegunge Coal Association Limited, Managing Contractor, and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

1. Whether Shri Prabhudayal Agarwala, Ex-Managing Contractor at Gonshadih Colliery of Messrs. Gonshadih Coal Company, Post Office Kusunda, District Dhanbad, was justified in abandoning the workmen whose names are mentioned in the Annexure below, with effect from the 16th August, 1965, without giving them any notice and compensation in accordance with the provisions of Sect on 25 FF of the Industrial Disputes Act, 1947 ? If not, to what relief are the workmen entitled ?
2. Whether Messrs. Raneegunge Coal Association Limited, Managing Contractor at Gonshadih Colliery of Messrs. Gonshadih Coal Company, Post Office Kusunda, District Dhanbad, was justified in refusing employment to the workmen whose names are mentioned in the Annexure below with effect from the 17th October, 1966 ? If not, to what relief are the workmen concerned entitled ?

## ANNEXURE

Sl. No.	Name of the workers	Designation
1.	Jagat Mohan Prasad	A/Clerk
2.	Sagar Chandra Banerjee	W/Supervisor
3.	Rajendra Narayan Singh	W/Supervisor
4.	Jiwan Rajwar	Quarry Worker
5.	Arjun Rajwar	Do.
6.	Ramlagan Rajwar	Do.
7.	Rameshwar Rajwar	Do.
8.	Mitan Rajwar	Do.
9.	Mehandi Rajwar	Do.
10.	Akaloo Rajwar	Do.
11.	Romni Rajwar	Do.
12.	Radhu Rajwar	Do.
13.	Jagan Rajwar	Do.
14.	Basani Rajwarin	Do.
15.	Keruna Rajwarin	Do.
16.	Lilmoni Rajwarin	Do.
17.	Meghu Rajwar	Do.
18.	Sharwani Modl	Do.
19.	Ajodhya Modi	Do.
20.	Fulmani Rajwarin	Do.
21.	Thakur Menjhi	Do.
22.	No. 2 Shushila Kamin	Do.
23.	Haradhan Rajwar	Do.
24.	Kapura Rajwarin	Do.
25.	Balie Manjhi	Do.
26.	Rani Rajwarin	Do.
27.	No. 2 Shreemati Manjhian	Do.
28.	Lerha Rajwar	Coal Cutter
29.	Kendai Gowala	Do.
30.	Murat Rajbhar	Do.
31.	Tirboni Harijan	Do.
32.	Shyam Harijan	Do.
33.	Fegu Rajbhar	Do.
34.	Ramabadh Beldar	Do.
35.	Pujan Beldar	Do.
36.	Tirath Harijan	Do.
37.	Ghbutar Beldar	Do.
38.	Prasad Beldar	Do.
39.	Gobardhan Rajwar	Do.
40.	Dewan Mian	Do.
41.	Shreemati Manjhian	Quarry Worker
42.	Haldi Manjhian	Do.
43.	Sohagi Manjhia	Do.
44.	Fani Bouri	Do.
45.	Tathir Bouri	Do.
46.	Biravhi Bouri	Do.
47.	Bhoju Bouri	Do.
48.	Kalipado Bouri	Do.
49.	Anoo Bourin	Do.
50.	Anando Bouri	Do.
51.	Ashoo Bouri	Do.
52.	Chh. Sudhir Bouri	Do.
53.	Ramesh Bouri	Do.
54.	Anil Bouri	Do.
55.	Buchu Bouri	Do.
56.	Nitai Bouri	Do.
57.	Bagal Bouri	Do.
58.	Sudhir Bouri	Do.
59.	Hasu Ray	Do.
60.	Moti Rajwar	Do.
61.	Panchu Bouri	Do.
62.	Khedu Bouri	Do.
63.	Kalpu Bouri	Do.
64.	Fulchand Bouri	Do.

Sl. No.	Name of the workers	Designation
65.	Dilchand Bouri	Quarry Worker
66.	Bewal Bouri	Do.
67.	Dani Bourin	Do.
68.	Sanatan Bouri	Do.
69.	Chh. Begal Bouri	Do.
70.	Chanda Rajwar	Do.
71.	Bhimla Bouri	Do.
72.	Bibi Bourin	Do.
73.	Ami Bourin	Do.
74.	Sunder Bouri	Do.
75.	Radhi Bourin	Do.
76.	Chhabi Bourin	Do.
77.	Anne Bourin	Do.
78.	Chintra Bourin	Do.
79.	Pasra Bouri	Do.
80.	Romi Bourin	Do.
81.	Sarati Bourin	Do.
82.	Diljan Mian	Do.
83.	Abdul Mian	Do.
84.	Pawasi Bourin	Do.
85.	Lukhi Bourin	Do.
86.	Sulchan Bourin	Do.
87.	Shakhi Bourin	Do.
88.	Charo Bourin	Do.
89.	Tiri Bourin	Do.
90.	Mira Bourin	Do.
91.	Pado Bourin	Do.
92.	Champu Bourin	Do.
93.	B. Radhi Bourin	Do.
94.	Nunibala Bourin	Do.
95.	Kajola Bourin	Do.
96.	Shusila Rajwar	Do.
97.	Manjhu Bourin	Do.
98.	Karuna Bourin	Do.
99.	Rewati Rajwar	Do.
100.	Amulya Bouria	Do.
101.	Surendo Louri	Do.
102.	Manohar Bouri	Do.
103.	Atul Bouri	Do.
104.	Akloo Bouri	Do.
105.	Moti Bouri	Do.
106.	Jado Bouri	Do.
107.	Sukhi Bourin	Do.
108.	Kandi Bourin	Do.
109.	Baisakhi Bourin	Do.
110.	Musura Bouri	Do.

[No. 2(9)/67-LR11]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 6th March 1967

**S.O. 803.**—In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following rules further to amend the Dock Workers (Advisory Committee) Rules, 1962, namely:—

1. These rules may be called the Dock Workers (Advisory Committee) Amendment Rules, 1967.

2. In rule 4 of the Dock Workers (Advisory Committee) Rules, 1962, for the words "The Deputy Secretary in the Ministry of Labour and Employment", the words "The Under Secretary in the Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment)" shall be substituted.

[No. 65/3/67-Fac.II.]

**S.O. 804.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section namely:—

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, (hereinafter referred to as the said Scheme), in clause 6, in the first proviso, for the words "rupees six hundred and above", the words "rupees eight hundred and above" shall be substituted.

3. In clause 8 of the said Scheme, in item (1), the words, abbreviation and figures "the maximum salary of which exclusive of allowances is not less than Rs. 300 per mensem" shall be omitted.

4. In clause 9 of the said Scheme, in item (j) for the word, abbreviation and figures "below Rs. 300/- per mensem", the words "upto rupees six hundred per mensem" shall be substituted.

5. In clause 11 of the said Scheme, in the proviso to item (g), for the words, abbreviation and figures "not less than Rs. 250/-", the words "upto rupees five hundred" shall be substituted.

[No. 528/172/65-Fac.1.]

**S.O. 805.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, (hereinafter referred to as the said Scheme), in clause 6, in the first proviso, for the words "rupees six hundred and above", the words "rupees eight hundred and above" shall be substituted.

3. In clause 8 of the said Scheme, in item (1), the words, abbreviation and figures "the maximum salary of which exclusive of allowances is not less than Rs. 300 per mensem" shall be omitted.

4. In clause 9 of the said scheme, in item (j), for the word abbreviation and figures "below Rs. 300", the words "upto rupees six hundred" shall be substituted.

5. In clause 11 of the said Scheme, in the proviso to item (g), for the words, abbreviation and figures "not less than Rs. 250", the words "upto rupees five hundred" shall be substituted.

[No. 528/172/65-Fac.2.]

**S.O. 806.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1958), the Central Government hereby makes the following Scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1967,

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956, (hereinafter referred to as the said Scheme), in clause 6, in the first proviso, for the words "rupees six hundred and above", the words "rupees eight hundred and above" shall be substituted.

3. In clause 8 of the said Scheme, in item (1), the words, abbreviation and figures "the maximum salary of which exclusive of allowances is not less than Rs. 300/- per mensem" shall be omitted.

4. In clause 9 of the said Scheme, in item (j), for the word, abbreviation and figures "below Rs. 300/-", the words "upto rupees six hundred" shall be substituted.

5. In clause 11 of the said Scheme, in the proviso to item (g), for the words, abbreviation and figures "not less than Rs. 250", the words "up to rupees three hundred" shall be substituted.

[No. 528/172/65-Fac.-3.]

**S.O. 807.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, (hereinafter referred to as the said Scheme), in clause 6, in the first proviso, for the words "rupees six hundred and above", the words "rupees eight hundred and above", the shall be substituted.

3. In clause 8 of the said Scheme, in item (1), the words, abbreviation and figures "the maximum salary of which exclusive of allowances is not less than Rs. 300 per mensem" shall be omitted.

4. In clause 9 of the said Scheme, in item (j), for the word, abbreviation and figures "below Rs. 300", the words "up to rupees six hundred" shall be substituted.

5. In clause 11 of the said Scheme, in the proviso to item (g), for the words, abbreviation and figures "not less than Rs. 250", the words "up to rupees three hundred" shall be substituted.

[No. 528/172/65-Fac.-4.]

**S.O. 808.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948, the Central Government hereby makes the following Scheme further to amend the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, (hereinafter referred to as the said Scheme), in clause 6, in the first proviso, for the words "rupees six hundred and above", the words "rupees eight hundred and above" shall be substituted.

3. In clause 8 of the said Scheme, in item (1), the words, abbreviation and figures "below Rs. 300", the words "up to rupees six hundred" shall be substituted. Rs. 250 per mensem" shall be omitted.

4. In clause 9 of the said Scheme, in item (j), for the word, abbreviation and figures "below Rs. 250", the words "up to rupees six hundred" shall be substituted.

5. In clause 11 of the said Scheme, in the proviso to item (g), for the words, abbreviation and figures "not less than Rs. 250", the words "up to rupees three hundred" shall be substituted.

[No. 528/172/65-Fac.-5.]

**S.O. 899.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Mormugao Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, (hereinafter referred to as the said Scheme), in clause 6, in the first proviso, for the words "rupees six hundred and above", the words "rupees eight hundred and above" shall be substituted.

3. In clause 8 of the said Scheme, in item (1), the words and figures "the maximum salary of which exclusive of allowances is up to rupees six hundred per month" shall be omitted.

4. In clause 10 of the said Scheme, in item (j) for the words and figures "up to rupees four hundred" in the two places they occur, the words "up to rupees six hundred" shall be substituted.

[No. 523/172/65-Fac.-6.]

K. D. HAJELA, Under Secy.

**(Department of Rehabilitation)**

**(Office of the Chief Settlement Commissioner)**

*New Delhi, the 1st March 1967*

**S.O. 810.**—In exercise of the powers conferred on the Chief Settlement Commissioner by section 34 (2) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) he hereby delegates to the Under Secretary in the Rehabilitation Department of the Punjab State exercising the powers of Settlement Commissioner, his powers under Sections 23, 24 and 28 of the said Act for the purpose of passing necessary orders under these sections in respect of (i) agricultural lands and shops in any rural area including houses, cattlesheds and vacant sites forming part of the compensation pool and (ii) the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. 3(37)/L&R-63A dated 5th March, 1964.

[No. 3(3)/L&R-67.]

**S.O. 811.**—In exercise of the powers conferred on the Chief Settlement Commissioner by section 34(2) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) he hereby delegates to the Secretary, Relief and Rehabilitation Department Himachal Pradesh exercising the powers of Settlement Commissioner, his powers under section 23, 24 and 28 of the said Act for the purpose of passing necessary orders under these sections in respect of (i) agricultural lands and shops in any rural area including houses, cattlesheds and vacant sites forming part of the compensation pool, and (ii) the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. 3(37)/L & R-63-A, dated 5th March, 1964.

[No. 3(2)/L&R-67.]

*New Delhi, the 6th March 1967*

**S.O. 812.**—In exercise of the powers conferred on the Chief Settlement Commissioner by Section 34(2) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) he hereby delegates to Shri Brijinder Singh, P.C.S., Assistant Settlement Commissioner, Rehabilitation Department, Punjab Government his powers under section 23, 24 and 28 of the said Act for the purpose of passing necessary orders under these sections in respect of (i) agricultural lands and shops in any rural area including houses, cattlesheds and vacant sites forming part of the compensation pool and (ii) the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. 3(37)/L&R/63-A, dated 5th March, 1964.

[No. 3(5)/L&R-67.]

G. D. KSHETRAPAL,  
Chief Settlement Commissioner.

**(Department of Rehabilitation)**

**(Office of the Chief Settlement Commissioner)**

*New Delhi, the 1st March 1967*

**S.O. 813.**—In exercise of the powers conferred by sub-section (i) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints the Under Secretary in the Rehabilitation Department of the Punjab State as Settlement Commissioner in the State of Punjab for the purpose of performing, in addition to his own duties as

Under Secretary (Rehabilitation), the functions assigned to a Settlement Commissioner by or under the said Act in respect of (i) agricultural lands and shops in any rural area including houses, cattle-sheds and vacant sites forming part of the compensation pool and (ii) the properties referred to in the Notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. 3(37)/L&R-63A dated 5th March, 1964.

[No. 3(3)/L&R-67.]

**S.O. 814.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of U.P. for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the D.Ps. (C&R) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

#### SCHEDULE

S. No.	Particulars of Properties	Name of Evacuees.
1.	House No. F-1/142, Mohalla Chokhar Kuan, Etawah.	Shri Mushraf Khan.
2.	House No. F-1/143, Mohalla Chokhar Kuan, Etawah.	Shri Mushraf Khan.
3.	House No. F-1/144, Mohalla Chokhar Kuan, Etawah.	Shri Mushraf Khan.
4.	House No. F-1/145, Mohalla Chokhar Kuan, Etawah.	Shri Mushraf Khan.
5.	House No. F-1/149, Mohalla Chokhar Kuan, Etawah.	Shri Mushraf Khan.
6.	House No. F-1/154, Mohalla Chokhar Kuan, Etawah.	Shri Mushraf Khan.

[No. 29(1) Comp. and Prop/67.]

#### New Delhi, the 2nd March 1967

**S.O. 815.**—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints for the State of Maharashtra, Gujarat, Andhra Pradesh, Madras, Mysore and Kerala, Shri M. L. Sharma, Assistant Settlement Officer in the office of Regional Settlement Commissioner, Bombay, as Managing Officer for the custody, management and disposal of compensation pool with effect from 14th February, 1967.

[No. 3/71/AGZ/65.]

**S.O. 816.**—In exercise of the powers conferred by Sub-section (i) of Section (6) of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government for the purpose of discharging the duties imposed on such officer by or under the said Act appoints for the States of Maharashtra, Gujarat, Andhra Pradesh and Madras, Shri M. L. Sharma, Assistant Settlement Officer in the office of Regional Settlement Commissioner, Bombay, as Managing Officer for the custody, management and disposal of compensation pool with effect from 14th February, 1967.

[No. 8/71/AGZ/65.]

#### New Delhi, the 6th March 1967

**S.O. 817.**—In exercise of the powers conferred by sub-section (i) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints Shri Brijinder Singh, P.C.S., Assistant Settlement Commissioner, Rehabilitation Department, Punjab Government as Assistant Settlement Commissioner in the State of Punjab for the purpose of performing, in addition to his own duties as Assistant Settlement Commissioner, Rehabilitation Department, Punjab Government, the functions assigned to an Assistant Settlement Commissioner, by or under the said Act in respect of (i) agricultural lands and shops in any rural area including houses, cattle-sheds and

vacant sites forming part of the Compensation Pool, and (ii) the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. 3(37)/L&R/63-A, dated 5th March, 1964.

[No. 3(5)/L&R/67.]

A. G. VASWANI,

Settlement Commissioner (A) and *Ex-Officio*, Under Secy.

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### MINISTRY OF FINANCE

(Department of Economic Affairs)

*New Delhi, the 1st March 1967*

**S.O. 813.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Bank of Behar Ltd., Patna, in respect of the immovable property (Plot of land bearing No. 553) held by it at Rampur Village, Thana Chapra, Saran District, Bihar, till the 31st March 1968.

[No. F. 15(2)-BC/67.]



5.7. 27g.—Statement of the Assets of the Reserve Bank of India as on the 24th February 1967

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	1,00,00,000	Notes	36,84,49,000
		Raper Coin	10,92,000
Reserve Fund	20,00,00,000	Small Coin	3,24,000
National Agricultural Credit (Long Term Operations) Fund	115,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	—
		(b) External	—
		(c) Government Treasury Bills	1,76,64,50,000
National Agricultural Credit (Stabilisation) Fund	16,00,00,000	Balances Held Abroad*	26,14,22,000
National Industrial Credit (Long Term Operations) Fund	20,00,00,000	Investments**	2,07,88,21,000
		Loans and Advances to :—	
		(i) Central Governments	—
		(ii) State Governments	79,92,77,000

LIABILITIES		ASSETS	
	Rs.		Rs.
<b>Deposits :—</b>		<b>Loans and advances to :—</b>	
(a) Government :—		(i) Scheduled Commercial Banks†	61,61,50,000
(i) Central Government . . . . .	52,13,35,000	(ii) State Co-operative Banks‡	1,62,83,48,000
(ii) State Governments . . . . .	25,69,16,000	(iii) Others . . . . .	2,10,30,000
(b) Banks :—		<b>Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund:—</b>	
(i) Scheduled Commercial Banks . . . . .	123,28,71,000	(a) Loans and Advances to :—	
(ii) Scheduled State Co-operative Banks . . . . .	4,33,89,000	(i) State Governments . . . . .	28,59,92,000
(iii) Non-Scheduled State Co-operative Banks . . . . .	56,37,000	(ii) State Co-operative Banks . . . . .	12,64,51,000
(iv) Other Banks . . . . .	3,10,000	(iii) Central Land Mortgage Banks . . . . .	..
(c) Others . . . . .	272,43,21,000	(b) Investment in Central Land Mortgage Bank Debentures . . . . .	7,11,93,000
Bills Payable . . . . .	23,80,63,000	<b>Loans and Advances from National Agricultural Credit (Stabilisation) Fund:—</b>	
Other Liabilities . . . . .	99,93,95,000	Loans and Advances to State Co-operative Banks . . . . .	3,49,31,000
		<b>Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—</b>	
		(a) Loans and Advances to the Development Bank . . . . .	5,17,90,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
		Other Assets . . . . .	34,16,78,000
	Rupees]		Rupees
	845,33,38,000		845,33,38,000

\*Includes Cash and Short-term Securities.

\*\*Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 31,82,50,000 advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 1st day of March 1967.

AN ACCOUNT pursuant to the Reserve Bank of India Act, 1934, for the week ended the 24th day of February 1967

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department .	36,84,49,000		Gold Coin and Bullion :—		
Notes in circulation . . . . .	2980,87,30,000		(a) Held in India . . . . .	115,89,25,000	
Total Notes issued . . . . .		3017,71,79,000	(b) Held outside India . . . . .		
			Foreign Securities . . . . .	186,42,01,000	
			TOTAL . . . . .		302,31,26,000
			Rupee Coin . . . . .		80,48,94,000
			Government of India Rupee Securities . . . . .		2634,91,59,000
			Internal Bills of Exchange and other commercial paper . . . . .		
TOTAL LIABILITIES . . . . .		3017,71,79,000	TOTAL ASSETS . . . . .		3017,71,79,000

Dated the 1st day of March, 1967.

P. C. BHATTACHARYYA,  
Governor.

[No. F.3(3)-BC/67.]

*New Delhi, the 4th March 1967*

**S.O. 820.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declare that the provisions of clause (i) of sub-section (1) of section 16 of the said Act shall not apply to (i) The Jammu and Kashmir Bank Ltd., Srinagar and (ii) The Traders' Bank Ltd., New Delhi in so far as the said banking companies have at the same time Shri K. S. Chakrapani, an officer of the Reserve Bank, as their director.

[No. F. 15(5)-BC/67.]

V. SWAMINATHAN, Under Secy.

**(Department of Economic Affairs)**

*New Delhi, the 2nd March 1967*

**S.O. 821.**—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that all instruments required to be made, in the exercise of the executive power of the Union, in connection with the reconveyance of property given as security against loans advanced by Rehabilitation Finance Administration, shall be executed on his behalf by the Assistant Administrator, Rehabilitation Finance Administration Unit of the Ministry of Finance.

[No. F. 7(2)-Corp/67.]

A. K. NATARAJAN, Under Secy.

**(Department of Revenue and Insurance)**

*New Delhi, the 3rd March 1967*

**S.O. 822.**—In pursuance of sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the Schedule to the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. S.R.O. 612, dated the 28th February, 1957, namely :—

In the said Schedule;—

(I) in Part II, General Central Service, Class III, after the existing entries, the following heading and entries shall be inserted, namely :—

(1)	(2)	(3)	(4)	(5)
<b>"EMERGENCY RISKS INSURANCE SCHEME"</b>				
All posts	Director	[Director & Chief Enforcement Officer	All (i) to (iv)	Joint Secretary Director."

(II) in Part III, General Central Service, Class IV, after the existing entries, the following heading and entries shall be inserted, namely :—

(1)	(2)	(3)	(4)	(5)
<b>"EMERGENCY RISKS INSURANCE SCHEME"</b>				
All posts]	Chief Enforcement Officer	Chief Enforcement Officer,	All	Director."

[No. F. 14/40/66-Ins./C&M].

R. C. MISRA, Dy. Secy,

## (Department of Revenue and Insurance)

## CUSTOMS

*New Delhi the 11th March, 1967*

**S.O. 823.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints the officer mentioned in column 2 of the Table below to be Collector of Customs, the officer mentioned in column 3 thereof to be Assistant Collector of Customs, and the officers mentioned in column 4 thereof to be officers of Customs, for the areas mentioned in the corresponding entry in column 1 of the said Table :

TABLE

Areas		Designation of Officer	
1	2	3	4
Kandla Free Trade Zone and the area within a radius of 8 kilometres all round the zone.	Administrator, Kandla Free Trade Zone.	Assistant Collector of Customs, Kandla Free Trade Zone.	Administrative Officer, Security Officer, Appraiser, Examiner, Preventive Officers, Jamadars, Security Guards, Sepoys.

2. For the purpose of this notification, the Kandla Free trade Zone shall comprise the places bearing the survey numbers and enclosed by the boundaries as are specified in paragraph 2 of the notification of the Government of India, in the Ministry of Finance (Department of Revenue & Insurance) No. G.S.R. 486 (55/F. No. 24/34/58-Cus.I) dated the 31st March, 1966 issued under sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) read with sub-section (4) of section 77 of the Finance Act, 1965 (10 of 1965).

[No. 21/F. 22/4/66-Cus. IV.]

**S.O. 824.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), and without prejudice to the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. G.S.R. 215 dated the 1st February, 1963, the Central Government hereby appoints Shri Y. N. Chopra, Deputy Director of Revenue Intelligence to be a Deputy Collector of Customs in the jurisdiction of the Collector of Customs, Calcutta, with effect from the date on which he assumes charge.

No. 24/F. No. 22/1/67-Cus. IV.]

D. N. LAL, Dy. Secy.

## (Department of Revenue &amp; Insurance)

## ORDER

## STAMPS

*New Delhi, the 11th March 1967*

**S.O. 825.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the 5½ per cent Orissa State Financial Corporation loan Bonds 1979 to the value of fifty lakhs of rupees issued during the month of January, 1967 are chargeable under the said Act.

[No. 1/67—F. No. 1/10/67-Cus. VII/Stamps.]

M S. SUBRAMANYAM, Under Secy.

## (Department of Revenue and Insurance)

## CORRIGENDUM

*New Delhi, the 4th March 1967*

**S.O. 826.**—The figures *viz.* Rs. 11,24,277.476 appearing in last column and last line of the Notification No. S.O. 537, dated the 9th February, 1967 published in Part II Section 3 sub-section (ii) of the Gazette of India, dated the 18th February, 1967, should read as Rs. 11,24,227.76.

[No. 104(1)-INS. I/66-ERI-III.]

RAJ K. NIGAM, Dy. Secy.

## CENTRAL BOARD OF DIRECT TAXES

## INCOME TAX

*New Delhi, the 27th February 1967*

**S.O. 827.**—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that in its Notification No. 20 (F. No. 55/1/62-IT), dated the 30th April, 1963 published as S.O. 1293 on pages 1454—1457 of the Gazette of India, Part II, Section 3 sub-section (ii), dated the 11th May, 1963 as amended from time to time:—

(1) Against S. No. 15, Uttar Pradesh I, Lucknow under Column 3 of the Schedule appended thereto, the following shall be deleted:—

- 6. Central Circle I, Kanpur.
- 7. Central Circle II, Kanpur.
- 24. Central Circle, Allahabad.

(2) The existing items 8 to 23 and 25 to 27 shall be renumbered as 6 to 24.

(3) The following items shall be added thereunder:—

- 25. Companies Circle, Kanpur.
- 26. Special Circle, Kanpur.
- 27. Salary Circle, Allahabad.

[No. 12 (F. No. 55/376/66-IT).]

*New Delhi, the 2nd March 1967*

**S.O. 828.**—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to its Notification S.R.O. 1214 (No. 44-Income-tax) dated 1st July, 1952:—

In the Schedule to the said notifications, against S. No. 52 the following entries shall be substituted in place of the existing entries:—

1	2	3	4	5	6
52	Government Servants under the audit control of : 1. Accountant General, Central Revenues. 2. Deputy Accountant General, Posts & Telegraphs, Delhi. 3. Accountant General, Commerce, Works, Misc., New Delhi.	Income-tax officers, Salary Circle, New Delhi as assigned by the Commissioner of Income-tax, Delhi.	Inspecting Assistant Commissioners of Income-tax, Delhi as assigned by the Commissioner of Income-tax, Delhi.	Appellate Assistant Commissioners of Income-tax, Delhi as assigned by the Commissioner of Income-tax, Delhi.	Commissioner of Income-tax, Delhi.

1	2	3	4	5	6
4.	Deputy Accountant General, Commerce, Works, Misc., Calcutta.				
5.	Deputy Accountant General, Commerce, Works, Misc., Bombay.				
6.	Director of Audit, Defence Services, New Delhi.				
7.	Assistant Director of Audit, Defence Services, Ambala.				
8.	Chief Auditor, Railway Clearing Accounts, Delhi.				
9.	Director of Audit, Indian Accounts in U.K., London.				
10.	Audit Office, Indian Accounts in U.S.A., Washington.				
11.	Employees of Northern Railway except those employed in Jodhpur and Bikaner Divisions.				
12.	Employees of the Railway Board under the Audit control of F. A. and C.A.O.				

[No. 1 P. No. 55/22/65-IT]

### CORRIGENDUM

New Delhi, the 1st March 1967

**S.O. 829.**—In exercise of the powers conferred by Sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby direct that in its Notification No. 52 (F. No. 55/1/62-I.T.) dated the 19th August, 1963 published as S.O. 2368 on pages 2740-42 of Part II Section 3(ii) of the Gazette of India dated the 24th August, 1963:

Against 17A, West Bengal III, under Col. 3 of the Schedule appended thereto, the following shall be added and numbered (16)—

“Special Circle-III, West Bengal-III”.

[No. 13/F. No. 55/324/66-IT(AII).]

A. RAGHAVENDRA RAO, Under Secy.

पेट्रोलियम और रसायन मंत्रालय

(रसायन-विभाग)

आदेश

नई दिल्ली, 29 जून 1966

का० आ० 830.— उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 18जी द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा निम्नलिखित आदेश करती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ.— (1) यह आदेश एथिल ऐल्कोहॉल (कीमत नियंत्रण)

आदेश, 1966 कहा जा सकेगा।

(2) यह तत्काश प्रवृत्त होगा।

2. एथर ऐंकोहाल की आसवनी-द्वारे प्रविष्टि कीमत—इस आदेश के प्रारम्भ के पश्चात्, कोई भी व्यक्ति नीचे दी गई सारणी के स्तम्भ (1) में विनिर्दिष्ट एथिल ऐंकोहाल (औद्योगिक ऐंकोहाल) की किस श्रेणी की आसवनी-द्वारे-द्वारा किसी ऐसी कीमत पर नहीं बेचेगा जो उस सारणी के स्तम्भ (2) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट कीमत से अधिक हो।

### सारणी

(1)	(2)
1. परिशुद्ध ऐंकोहाल भा० मा० सं० मानक संख्या 321-1952, के अनुरूप, खुला, 100 प्रतिशत वी/वी सान्द्रता के तुल्य आयतन के लिए।	आसवनी-द्वारे प्रति किलो लिटर केवल दो सौ एकतीस (231) रुपये।
2. परिशोधित स्पिरिट भा० मा० सं० मानक संख्या 323-1959 के अनुरूप, खुला, 100 प्रतिशत वी/वी सान्द्रता के तुल्य आयतन के लिए।	आसवनी-द्वारे प्रति किलो लिटर केवल दो सौ ग्यारह (211) रुपये।

3. कतिपय दशाओं में अतिरिक्त प्रभार—खण्ड 2 में अन्तर्दिष्ट किसी बात के होते हुए

जी,—

(क) आसवनी तक मौलेसेज के परिवहन के लिए उपगत वास्तविक शीतल खर्च पर आधारित प्रति किलो लिटर केवल एक-सौ पचास रुपये से अधिक राशि और पूर्वतन कर के बारे में मौलेसेज पर संदत्त या संवेय कोई शुंगी उस खण्ड में विनिर्दिष्ट कीमत के अतिरिक्त प्रभारित की जा सकेगी।

(ख) जहां ऐंकोहाल उत्पाद-शुल्क अनुज्ञापत्र में विहित विनिर्देशनों के अनुसार साधारण या विशेष विकृतिकारकों से विकृतिकरण पश्चात् प्रदाय किया जाता है, वहां ऐसे विकृतिकारकों की वास्तविक कीमत और—

(1) दो (2) रुपये प्रति किलो लिटर, यदि विकृतिकारकों का प्रदाय केन्द्रों द्वारा किया जाए, तथा

(II) अन्य सभी दशाओं में पाँच (5) रुपये प्रति किलो लिटर, उस खण्ड में विनिर्दिष्ट कीमत के अतिरिक्त प्रभारित किए जा सकेंगे।

(ग) जहां आसवनीयों द्वारा कोयले के स्थान पर भट्टी तैल का ईंधन के रूप में उपयोग कर के ऐंकोहाल उत्पादित किया जाता है, वहां ऐसे ऐंकोहाल के बारे में प्रति किलो लिटर पन्द्रह रुपए और पचास पैसे (15.50) की राशि उस खण्ड में विनिर्दिष्ट कीमत के अतिरिक्त प्रभारित की जा सकेगी;

परन्तु उक्त प्रभार अतिरिक्त के उस अनुपात तक परिसीमित होगा जो उस अनुपात के समान हो जो ऐंकोहाल के उत्पादन के लिए भट्टी तैल द्वारा उत्पन्न भाप के उपयोग का सब साधनों से उपयोग में लाई गई कुल भाप का है।



4. पूर्णांकन करना.—इस आदेश के अधीन अतिरिक्त प्रभागों के परिकलन में कुल परिकलित कीमत में पैसे की किसी भिन्न को निकटतम उच्चतर पैसे में पूर्णांकित किया जाएगा ।

5. निरसन.—ऐविल एल्कोहोल (ग्राइस कंट्रोल) आर्डर, 1961 का वहां तक के सिवाय जहां तक वह तदधीन की गई बातों के या तदधीन की जाने वाली ऐसी बातों के जिनका लोप किया गया है, बारे में है, निरसन किया जाता है ।

[ सं० 4/66/65-रसा-1. ]

बी० एल० चक, संयुक्त सचिव ।

